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Youth OMC: Coordination of Governance to Deal With the NEET's Needs

Beryl ter Haar

Lecturer Global and European labour law

Leiden University

b.p.ter.haar@law.leidenuniv.nl

Abstract

Ever since its introduction in 2000 the open method of coordination (OMC) has generated a lively debate about its functioning and effectiveness. Many studies have indicated that it is very difficult to prove causal relations between the OMC and policy activities of the Member States. Nonetheless, it is possible to study the influence of the OMC at ideational level. This study aims to do this for the Youth OMC. Against the background of the creation of epistemic community and the theory of discursive diffusion a comparative discourse analysis is conducted between the EU's Youth OMC and Dutch youth policies. The discourse analysis for both levels focuses on youth (un)employment measures, in particular those addressing young people who are neither in employment, education or training (NEET). The study finds that in case of The Netherlands, the outcome of the analysis gives a mixed result on the influence of the Youth OMC. In terms of ideas and sort of measures the Youth OMC and Dutch youth policies are remarkable similar, especially concerning measures serving the NEETs needs, however, these have been developed at different moments in time. Overall The Netherlands seems to run ahead of the EU, and as such possibly influenced the Youth OMC (bottom-up policy diffusion). In one period of time (2004 – 2009) though, the Youth OMC and Dutch policies appear to be synchronous.

Keywords: Youth OMC, NEETs, Youth Guarantee, Discursive diffusion, Dutch youth policies

I. Introduction

Being introduced as a general instrument for policy coordination in the EU's Lisbon Strategy of March 2000,¹ the open method of coordination (OMC) rapidly gained popularity in the field of social policies, including policies for youth.² Every OMC though is unique in its design and consequently its impact.³ Previous research on the Youth OMC has indicated that the strength of this OMC lies with the creation of a hybrid structure bringing together the eight action fields of EU youth policies.⁴ Furthermore, it has been illustrated that at institutional level, the hybrid structure of the Youth OMC has resulted in a panoply of instruments and mechanisms enforcing each other in creating incentives for Member States to act up in the field of youth policies.⁵ This development has been perceived as positive and an example of one of the strengths of the OMC as a mechanism to coordinate governance.⁶ Coordinated governance is presumed to create a stronger pressure on Member States to comply with EU measures. In other words, it suggests a bigger impact of EU measures on the domestic legal orders of the Member States.⁷ Following on this research, the obvious next question is: To which extent impacts the Youth OMC the Member States' domestic policies?

Empirical research on the effectiveness of the OMC in other policy fields, among which employment, social inclusion and pensions,⁸ has already pointed out that it is very difficult to

¹ European Council Conclusions, of 23-34 March 2000, *Lisbon Strategy*.

² See for an overview of various OMCs: B. Laffan, C. Shaw, *Classifying and Mapping OMC in Different Policy Areas*, NEW GOV-New Modes of Governance paper 02/09, 2009.

³ Cf. F. Vandenbroucke, *The EU and Social Protection; What should the European Convention Propose*, MPIJG Working Paper 02/6, 2002, 11; and S. Borrás, C.M. Radaelli, *Recalibrating the Open Method of Coordination: Towards Diverse and More Effective Usages*. SIEPS 2010:7, 2010.

⁴ P. Copeland, B.P. ter Haar, *The Open Methods of Coordination as Amplifier for EU Soft Law – The Case of EU Youth Policy*, in *Hungarian Journal of Legal Studies*, 2015.

⁵ *Ibid.*

⁶ *Ibid.*; and on the OMC more general in terms of coordinated governance: K. Armstrong, *Governing Social Inclusion. Europeanization through Policy Coordination*, Oxford: Oxford University Press, 2010.

⁷ See on this also: P. Copeland and B.P. ter Haar, *The coordinated governance of EU social security policy: Will there ever be enough?*, in F. Pennings and G. Vonk (eds.), *Research Handbook on European social security law*. Cheltenham, Edward Elgar, 2015, pp. 201 – 232.

⁸ Among others: M. Büchs, *New Governance in European Social Policy: The Open Method of Coordination*. London: Palgrave-MacMillan, 2007; Contributions in J. Zeitlin and Ph. Pochet (eds.), with L. Magnussen, *The Open Method of Co-ordination in Action: The European Employment and Social Inclusion Strategies*, Brussels:

assess the impact of the OMC on the national legal orders of the Member States. Unlike EU directives, for example, OMC objectives and guidelines do not need to be transposed into the national legal order.⁹ Instead efforts are to be undertaken to achieve the goals, hence the outcome of national measures is more important than the actual design.¹⁰ Nonetheless, previous empirical studies have also shown that it is possible to assess the influence of the OMC at the level of ideas and (policy) concepts.¹¹ In these studies linkages are made between the OMC's intention not only to influence Member States normatively (by setting common objectives; indicators; guidelines; recommendations that all steer towards certain outcomes), but also to influence Member States' policy choices cognitively.¹² The latter happens mostly through the elements of the OMC that are part of the peer review and monitoring mechanisms of the OMC. Moreover, it is by the combination of its institutional and procedural design and its iterative nature that the OMC can foster the development of an epistemic community at European level, which is an important aspect for further (policy) learning at national level.¹³

While many case studies exist about the effectiveness of the OMC, none exists on that of the Youth OMC. The aim of this contribution is therefore to assess to what extent the Youth OMC has been of influence on the youth policies and regulations of the Member States. With eight action fields, a full analysis of the Youth OMC exceeds the space allowed for this contribution

P.I.E. Lang, 2005; M. Citi and M. Rhodes, *New Modes of Governance in the EU: Common Objectives versus National Preferences*, EURGOV no. N-07-01, 2007; and S. Borrás and C.M. Radaelli, *Recalibrating the Open Method of Coordination: Towards Diverse and More Effective Usages*, cit.

⁹ Among others: G. Falkner, O. Treib, M. Hartlapp, S. Leiber, *Complying with Europe: EU Harmonization and Soft Law in the Member States*. Cambridge: Cambridge University Press, 2005.

¹⁰ Similar: C. De La Porte, *Is the Open Method of Coordination Appropriate for Organising Activities at European Level in Sensitive Policy Areas?*, in *European Law Journal*, 2002, p. 39; and J. Zeitlin, *The Open Method of Coordination in Action. Theoretical Promise, Empirical Realities, Reform Strategy*, in J. Zeitlin and Ph. Pochet (eds.), with L. Magnussen, *The Open Method of Co-ordination in Action: The European Employment and Social Inclusion Strategies*, Brussels: P.I.E. Lang, 2005, p. 448.

¹¹ For an overview and analysis of this research: S. Borrás and C.M. Radaeli, *Recalibrating the Open Method of Coordination: Towards Diverse and More Effective Usages*, cit., pp. 27-37.

¹² J. Zeitlin, *The Open Method of Coordination and Reform of National Social and Employment Policies. Influences, Mechanisms, Effects*, in M. Heidenreich and J. Zeitlin (eds.), *Changing European Employment and Welfare Regimes*, London: Routledge, 2009, p. 217.

¹³ Cf. D.M. Trubek, J.S. Mosher, *New Governance, Employment Policy, and the European Social Model*, in J. Zeitlin, D.M. Trubek (eds.), *Governing Work and Welfare in a New Economy*. Oxford: Oxford University Press, 2003, p. 47.

as well as go beyond my abilities as legal scholar. Therefore the study is limited in two ways. First, the material scope is limited to one of the eight action fields, namely employment and entrepreneurship. More particularly, it is focused on the group of young people who are ‘Not in Employment, Education or Training’ (the NEETs). Secondly, it is limited to a textual analysis for signs in national policies and regulations on youth matters that reflect EU youth employment policy.

The study is designed as follows. The first section elaborates on the concepts and theories regarding the creation of an epistemic community in general and on policy learning (discursive diffusion) in the context of the OMC in particular. Against the background of these insights and theories the influence of the Youth OMC is analysed. Therefore, the second section deals with the analysis of the Youth OMC at European level. The analysis includes an historical account of the development of the Youth OMC, with a particular focus on the action field ‘employment and entrepreneurship’. Furthermore, the Youth OMC’s institutional structure is unpacked, positioning it also in the wider EU policy framework it is part of, including Europe 2020. Then the discourse of the most important documents and initiatives are analysed. The third section offers an in-depth analysis of the youth employment policies and measures of The Netherlands. The analysis is based on a desk research examining documents underlying the youth employment measures and policies. These documents include parliamentary documents and other publicly available documents, reports, opinions, etc. of actors that have been involved with or were of influence on respective youth employment policy or measure.

Since it is almost impossible to prove causal relations between the OMC and the measures adopted by the Member States, the existence of influence of the Youth OMC is assumed when similar language, underlying ideas and concepts used at EU level are echoed in the national policies and measures. The fourth section hold a comparative discourse analysis between the Youth OMC and the Dutch youth policies. The last section draws some general conclusions about the Youth OMC, its design, governance structure, and influence on The Netherlands at ideational level.

II. Theory, methodology and research design

The aim of this study is to analyse the influence of the Youth OMC on the policies of the Member States in the field of employment and entrepreneurship, with particular interest for young people that are neither in employment, education or training (the NEETs). As indicated in the introduction, previous studies on the influence of the OMC on the policies of the Member States have revealed that it is very hard to prove causal relations between an OMC and national measures. What has proven possible though, is to measure policy learning from the top (EU-level), down to Member State level through the development of a common language among national elites, or epistemic communities internalising new public management techniques,¹⁴ which in a reflexive response may result into subtle cognitive transformations¹⁵.

II.1 Epistemic Community and discursive diffusion theory

Although the idea of an epistemic community is a concept developed in reference to scientific communities originally, it has been re-interpreted in the context of international policy coordination and more importantly in relation to influencing interests of states.¹⁶ An epistemic community in the latter context is understood to have

“(1) a shared set of normative and principled beliefs, which provide a value-based rationale for the social action of community members; (2) shared causal beliefs, which are derived from their analysis of practices leading or contributing to a central set of problems in their domain and which then serve as the basis for elucidating the multiple linkages between possible policy actions and desired outcomes; (3) shared notions of validity—that is, inter-subjective, internally defined criteria for weighing and validating knowledge in the domain of their expertise; and (4) a common policy enterprise—that is, a set of common practices associated with a set of problems to which their

¹⁴ J.T. Weishaupt, *A Silent Revolution? New Management Ideas and the Reinvention of European Public Employment Services*, in *Socio-Economic Review* 8(3), 2010, pp. 461-486.

¹⁵ S. Borrás and C.M. Radaeli, *Recalibrating the Open Method of Coordination: Towards Diverse and More Effective Usages*, cit.; and K. Jacobsson, *Soft Regulation and the Subtle Transformation of States: The Case of EU Employment Policy*, in *Journal of European Social Policy* 14(4), 2004, pp. 355-370.

¹⁶ P.M. Haas, *Introduction: epistemic communities and international policy coordination*, in *International Organization* 46:1, 1992, p. 4.

professional competence is directed, presumably out of the conviction that human welfare will be enhanced as a consequence.”¹⁷

The effect of an epistemic community is underpinned by the belief that “the diffusion of new ideas and information can lead to new patterns of behaviour”.¹⁸ Haas c.s. find that an epistemic community can be an important determinant of international policy coordination, in particular in policy fields that are characterised by dynamics of uncertainty, interpretation and institutionalization.¹⁹

A comparison can be drawn here with the OMC, which often is applied in policy fields for which EU competence is weak and which are complex, sensitive and of which the exact effect of a measure is uncertain,²⁰ moreover underlying differences resulting into a similar problem may need different solutions to achieve the same result. The OMC creates its own epistemic community or better, epistemic policy coordination as it creates a European ground for experimentalism to achieve common goals in order to deal with a common problem in (the European) society.²¹ Trubek and Trubek have theorised how the OMC creates changes at the domestic level of the Member States.²² Close to the idea underpinning the effect of an epistemic community, is the element of diffusion through ‘discursive transformation’. In relation to the European Employment Strategy (EES), Trubek and Trubek summarise this as follows:

¹⁷ *Ibid*, p. 3.

¹⁸ *Ibid*.

¹⁹ *Ibid*.

²⁰ C. M. Radaelli, *Europeanization, Policy Learning, and New Modes of Governance*, in *Journal of Comparative Policy Analysis: Research and Practice*, 10:3, 2008, pp. 239-254.

²¹ See on Experimentalist Governance: Ch.F. Sabel and J. Zeitlin, *Experimentalist Governance in the European Union. Towards a New Architecture*. Oxford University Press, Oxford, 2010; and the thematic issue of *Regulation & Governance*, 2012, Vol.6, issue 3, with contributions by S. Eckert, T.A. Börzel, *Experimentalist Governance: An Introduction*, pp. 371-377; T.A. Börzel, *Experimentalist governance in the EU: The emperor's new clothes?*, pp. 378-384; A. Verdun, *Experimentalist governance in the European Union: A commentary*, pp. 385-393; J.E. Fossum, *Reflections on experimentalist governance*, pp. 394-400; M. Kumm, *Constitutionalism and experimentalist governance*, pp. 401-409; and Ch.F. Sabel and J. Zeitlin, *Experimentalism in the EU: Common ground and persistent differences*, cit., pp. 410-426.

²² D.M. Trubek, L.G. Trubek, *Hard and soft law in the construction of Social Europe: the Role of the Open Method of Co-ordination*, in *European Law Journal* 11:3, 2005, pp. 343-364.

“Discursive diffusion theory suggests that various processes, including the requirement for annual reports, committee meetings of various types, peer review, and various monitoring efforts, subtly transform national discourse and thus national policy. Thus when reports must be written in terms set by the guidelines, new concepts, with definitions of reality embedded in them, come to be accepted at national level. When national administrations come to see their performance measured qualitatively through peer review and Council recommendations, and quantitatively through indicators and league tables, they must confront new policy paradigms and take on board new concepts and vocabularies. This process requires them to adopt new cognitive frameworks, a transformation facilitated and reinforced by the need to prepare annual National Action Plans and to defend performance to various audiences that themselves employ the discourse of the EES. Such changes in the way issues are conceptualised, it is suggested, may lead to policy change.”²³

They link this to the idea of networking that can be generated by the OMC. Networks, in this context, are created in various ways and between various organisations/persons, with different functions. The main functions that are identified are networks serving as transmission belts for ideas coming from the top, and networks serving as settings for deliberation and mutual learning, and thus create channels to move ideas “up” as well as “down”.²⁴ This process of induced diffusion and learning is also indicated as the effect of the OMC as ‘cognitive amplifier’,²⁵ an effect that has extensively been studied from an institutional perspective within the theory of experimentalist governance and deliberative processes.²⁶

²³ *Ibid*, p. 358.

²⁴ *Ibid*, p. 358.

²⁵ S. Borrás and C.M. Radaeli, *Recalibrating the Open Method of Coordination: Towards Diverse and More Effective Usages*, cit., p. 35; and M. Heidenreich and G. Bischof, *The Open Method of Co-ordination A Way to the Europeanization of Social and Employment Policies?*, in *Journal of Common Market Studies* 46(3), 2008, pp. 497-532.

²⁶Cf. S. Eckert, T.A. Börzel, *Experimentalist Governance: An Introduction*, cit., pp. 371-377; S. Borrás, C.M. Radaeli, *Recalibrating the Open Method of Coordination: Towards Diverse and More Effective Usages*. cit., p. 35; and C.M. Radaelli, *Europeanization, Policy Learning, and New Modes of Governance*, in *Journal of Comparative Policy Analysis: Research and Practice*, cit., pp. 239-254.

II.2 Approach and design of the study

This study is conducted against the background of the two concepts described above. Instead of focussing on the institutional settings and processes, the focus lies with discursive transformation of youth policies only. Thus, rather than looking at institutional settings and interaction between national and European institutions and actors, the analysis is confined to ideational transformations within national youth policies and measures. Instead of studying the institutional level, which has also been indicated as the ‘interactive dimension’ of discourse, this study examines the ‘ideational dimension’ of discourse. Hence, the study follows Schmidt and Radaelli in their definition of the ‘ideational dimension’ of discourse as “a set of policy ideas and values [...] that represent the cognitive and normative aspects of meaning creation”²⁷ – which fits with the idea of the creation of an epistemic community.

Furthermore, the creation of an epistemic community through the OMC (or experimentalist governance) and by discursive diffusion fostered by the OMC, is a process that does not take place over night, the study covers a temporal dimension of approximately 25 years. Both levels of analysis start in the early 1990s and end around 2015.

As indicated in the introduction the study exists of two parts: an analysis at European level; and an in-depth study of The Netherlands. The analysis at European level is done in three steps. First the regulatory regime of the Youth OMC is unpacked. This enables to identify the most important policy documents and measures at EU level. Secondly, the policy documents and measures are analysed for their ideational discourses. This analysis is limited to one action field only, namely “employment and entrepreneurship”. It is further limited to a more detailed analysis of the policies and measures targeting young people that are neither in employment, education nor in training (the NEETs). The third step is to identify discourse tendencies in EU Youth (employment) Policy.

The case study of The Netherlands starts with a general overview of the development of youth (un)employment in order to get a more general understanding of the issue in the Netherlands. Secondly, a study is made of the main policy and measures dealing with NEETs. The third step in the analysis is a more wider inventory and assessment of policies and measures dealing the

²⁷ V.A. Schmidt, C.M. Radaelli, *Policy Change and Discourse in Europe: Conceptual and Methodological Issues*, *West European Politics* 27:2, 2004, pp. 184 and 197.

youth (un)employment. Most of the policies and measures are accessible at an official website of the government (www.overheid.nl), which includes all parliamentary documents and official announcements. To find the policies and measures I started with the ones I knew and via those I traced back previous policies and measures, for example, because the previous measure was mentioned in the parliamentary memorandum of explanation of the new measure. Secondly, since many of the ideas of EU youth employment policy are mainstreamed in the European Employment Strategy, of which youth is a specific target group, I checked the Dutch National Reform Programmes from 1998 to 2015 for policies and measures reported by the Dutch government. These two exercises resulted in 27 policies and measures which I have ordered to policy area within the policy field youth (un)employment, i.e. comprehensive youth programmes, specific youth measures, educational measures, and labour law and social security measures. The last step in the analysis is a description of all these measures against the background of the ideational discourse and terminology of EU Youth (un)employment Policy.

The final part of this study evaluates to what extend the Youth OMC has been of influence on the Dutch youth (un)employment policies and measures. This is done by a reflective evaluation of the Dutch discourse in youth (un)employment policy over the course of time, against the background of the discourse and ideational vocabulary of the Youth OMC. As indicated in the introduction, the following assumption underpins this assessment. Since it is as good as impossible to prove causal relations between the OMC and the measures adopted by the Member States, existence of an impact of the OMC on the Dutch policies and measures is presumed when similar language, underlying ideas and concepts used at EU level are found in the national policies and measures. The stronger the similarities, the stronger the influence of the Youth OMC is presumed to have been on the Dutch policies and measures.²⁸

²⁸ Please mind that it is assessed only to which extend the Youth OMC influences the policies and legislation of the Member States and not whether these policies have been effective in dealing with the issue it is addressing, i.e. youth employment and entrepreneurship.

III. Youth OMC

This section assesses the discourse of Youth OMC, especially in the policy area of youth (un)employment. Section III.1 maps the Youth OMC's regulatory regime. Section III.2 analyses the ideas and concepts of EU youth (un)employment policy and measures.

III.1 Regulatory Regime of the Youth OMC

Cooperation on youth policy at EU level has a long history which can be traced back to the initial European treaties in the 1950s²⁹ and particular measures dating back to the 1960s³⁰ and 1970s.³¹ During the 1990s youth policies became more tangible, especially as specific target group within other policy areas, especially employment, social policy, and education and training.³² All previous initiatives of the EU concerning young people, accumulate in the 2009 Youth Strategy.³³ When focusing on the issue of youth employment, the main initiatives that fed into the Youth Strategy, include the Commission's White Paper on *Growth, Competitiveness and Employment*,³⁴ which drew the attention to youth unemployment, and the Commission's White Paper on *European Social Policy*,³⁵ which proposed a number of initiatives relating to youth employment, and training and education. Among others, it includes the following initiatives: a Union wide guarantee that no one under the age of 18 can be unemployed, the elimination of basic illiteracy for school leavers, and the improvement of education, training and vocational training.³⁶ More importantly, since both papers brought together the issue of

²⁹ Article 50 of the Treaty on the European Economic Community (EEC) provided that "Member States shall, within the framework of a joint programme, encourage the exchange of young workers".

³⁰ E.g. Council Decision 63/266/EEC of 2 April 1963 laying down general principles for implementing a common vocational training policy.

³¹ E.g. Resolution of the Council and of the Ministers of Education, meeting within the Council of 13 December 1976 concerning measures to be taken to improve the preparation of young people for work and to facilitate their transition from education to working life.

³² See for a full description of the historical development of EU Youth Policy: P. Copeland, B.P. ter Haar, *The Open Methods of Coordination as Amplifier for EU Soft Law – The Case of EU Youth Policy*, cit..

³³ Council Resolution of 27 November 2009 on a renewed framework for European cooperation in the youth field (2010-2018).

³⁴ Commission, *Competitiveness, Employment: The Challenges and Ways Forward in the 21st Century – A White Paper*, Com(93) 700 Final.

³⁵ Staff Working Document SEC(2009) 549 final of 27 April 2009 from the Commission, EU strategy for youth – Investing and empowering. Analysis of national reports from the Member States of the European Union concerning the implementation of the common objectives for a greater understanding and knowledge of youth.

³⁶ *Ibid*, p. 17.

employment and unemployment, they were able to shift the previous EU narrative of EU employment and social policy from one which concerned workers and the establishment and protection of their rights, to one in which unemployment and the increase of employment were to be the focus of attention.³⁷

This laid the basis for the broad approach underpinning EU youth employment policy cooperation. It is in this context that the Commission published its White Paper *A new Impetus for Youth*,³⁸ which promotes further mainstreaming of the youth dimension in the policy areas education and training, employment, and social inclusion. To provide greater coherence and consistency to the various initiatives in the field of Youth Policy, the European Council adopted the *European Youth Pact* as part of the revised Lisbon Strategy.³⁹ The Youth Pact identifies four principle issues: 1) the vulnerability of young people; 2) the need for intergenerational solidarity; 3) the need to equip young people through their education and training; and 4) the need for better coherence across all policy areas that concern young people.⁴⁰ To support the implementation of the Youth Pact, the Commission published a Communication⁴¹ in which it again stressed the mainstreaming of the youth dimension in the activities of the Lisbon Strategy. Thereto no new structures are to be created, instead the measures for youth within the structures of the EES and SIS are to be reinforced.⁴² Furthermore, the Commission promotes more and better use of (financial) programmes that support national policies as means to implement the Youth Pact. These programmes include the European Social Fund and the Competitiveness and Innovation Framework Programme.

So far, EU Youth policy is thus characterised by a programme of mainstreaming the interests of young people in other, often more general programmes, such as the EES and SIS, that affect a particular part of the lives and positions of young people. The positive side of this is that through this an overall youth-policy has been developed covering many aspects of the lives of

³⁷ S Velluti, *New Governance and the European Employment Strategy*, London: Routledge, 2010.

³⁸ Commission, *A New Impetus for European Youth – White Paper*, COM(2001) 681 final.

³⁹ European Council, *Youth Pact*, OJ [2006] C70/1; and Annex 1 to European Council Conclusions of March 2005, 7619/1/05, REV 1.

⁴⁰ *Ibid*, p. 19.

⁴¹ Communication COM(2005) 206 Final, on *European policies concerning youth. Addressing the concerns of young people in Europe – implementing the European Youth Pact and promoting active citizenship*.

⁴² *Ibid*, pp. 4-5.

young people. There are also negative sides to this approach. Firstly, the policies in which the matters of youth are mainstreamed are rather general. In these policies, youth is merely one of the target groups, competing for attention with for example elderly, disabled people, women, migrants, etc.. This means there is ample, if any, room for the specific policy needs of young people. A second down-side to this approach is that, for as far as there is room for more specific policies, this is left up to different institutions and actors, discourses, contexts and approaches. Within the EES, for example, the Employment Committee (EMCO) has a dominant role in setting the policy guidelines and priorities, whereas it is the Social Protection Committee (SPC) for the SIS. This enhances the risk of a splintered and incoherent EU youth policy; a critic that is commonly heard of about EU social policy in general.⁴³ Although not explicitly recognised as a down-side of the mainstreaming approach, the need for a more genuine youth-centred approach has been acknowledged in the next development of EU Youth policy, *i.e.* the Commission's Communication on *An EU Strategy for Youth – Investing and Empowering*,⁴⁴ formalised by the 2009 Council Resolution on *a renewed framework for European cooperation in the youth field*.⁴⁵

Figure 1 illustrates the governance regime that is created by the renewed framework for European cooperation in the youth field, also referred to as the Youth Strategy. The Youth Strategy aims to encourage 'joined-up' policy making, on genuine youth policies as well as feeding into other policy fields and processes. The main regulatory driver for this is the OMC.⁴⁶ The renewed framework set two general objectives: (i) to create more and equal opportunities for all young people in education and in the labour market; and (ii) to promote the active citizenship, social inclusion and solidarity of all young people.⁴⁷ To achieve these objectives, a dual approach is followed: 1) mainstreaming initiatives to enable a cross-sectoral approach in which due account is taken of youth issues; and 2) specific initiatives in the youth field.⁴⁸ Furthermore, it is underlined that youth policy cooperation should be 'firmly anchored in the

⁴³ Cf. C. Barnard, *EC Employment Law*, Oxford: Oxford University Press, 2006, pp. 60-61.

⁴⁴ Communication COM(2009) 200 final of 27 April 2009 from the Commission on *An EU Strategy for Youth – Investing and Empowering A renewed open method of coordination to address youth challenges and opportunities*.

⁴⁵ Council Resolution of 27 November 2009 on *a renewed framework for European cooperation in the youth field (2010-2018)*. Further referred to as: *Renewed Framework 2010-2018*.

⁴⁶ Communication COM(2009) 200 final, cit., p. 5.

⁴⁷ Accordingly agreed point 1 *Renewed framework 2010-2018*.

⁴⁸ Accordingly agreed point 3 *Renewed framework 2010-2018*.

international system of human rights', which includes the promotion of gender equality and non-discrimination.⁴⁹ It is also agreed that the cooperation is based on work cycles of three year and that for each work cycle priorities are being set at European level⁵⁰ and national level⁵¹.

Characteristic for the Youth Strategy is that the policies should be evidence based.⁵² Consequently, much attention is paid to knowledge building in order to get a better understanding of the living conditions, values and attitudes of young people. Many research resources are to be mobilised for this, among others, the European Knowledge Centre for Youth Policy, Eurydice and the use of special European youth surveys.⁵³ The effect of this knowledge building at European level is that a common vocabulary is created in which youth matters are being discussed, hence, indicators are being developed and indications are given about issues to be dealt with in order to achieve the common objectives. This is also referred to as “a dashboard of youth indicators”, which also includes existing indicators of policy areas in which youth matters are to be integrated, e.g. employment and social inclusion.⁵⁴ The Member States are invited to report about their policy activities in the youth field by use of a survey issued by the European Commission,⁵⁵ and the Commission is invited to examine “the degree to which the overall objectives of the framework have been met”.⁵⁶ More particularly, the Commission is asked to draw a EU Youth Report,⁵⁷ which consists of two parts: a political part (which is a joint Council-Commission report); and a statistical part. The first part, the political part, is based on the information provided by the Member States in the youth survey and on information in national reports submitted by the Member States as part of the policies in which youth matters are to be mainstreamed, such as the European Employment Strategy, but also on reports of other

⁴⁹ Underlined point 1 Renewed framework 2010-2018.

⁵⁰ Further agreed point 3, sub ii Renewed framework 2010-2018.

⁵¹ Accordingly invites the Member States, point 2 Renewed framework 2010-2018.

⁵² Further agreed point 3, sub iii, under (a) Renewed framework 2010-2018.

⁵³ *Ibid.*

⁵⁴ Cf. Staff Working Document SEC(2011) 401 final of 25 March 2011 from the Commission on EU indicators in the field of youth. And similarly argued regarding the indicators of the OMC on Social Inclusion: E. Malier, A.B. Atkinson, B. Cantillon, and B. Nolan, *The EU and Social Inclusion. Facing the challenges*. Bristol: The Policy Press, 2007.

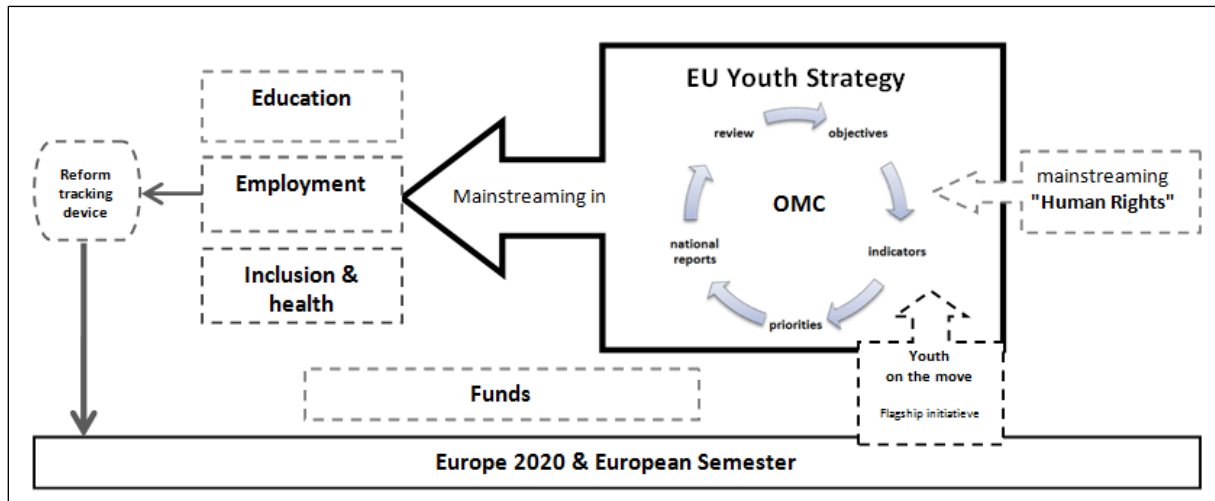
⁵⁵ E.g. the 2015 EU Youth Report: ec.europa.eu/eusurvey/publication/EUyouthreport2015part1.

⁵⁶ Further agreed point 3, sub iii, under (a) Renewed framework 2010-2018.

⁵⁷ Further agreed point 3, sub iii, under c; and point 2 under ‘invites the Commission to’ Renewed Framework 2010-2018.

European bodies, for example Eurofound.⁵⁸ For the second part, statistical data, use is made of several sources, including Eurostat data, Eurobarometer surveys, etc.⁵⁹ Based on the EU Youth Report priorities for the next three-year cycle will be adopted by the Council.⁶⁰

Figure 1 Governance regime EU Youth Strategy



Although the Youth Strategy was adopted before Europe 2020, it has been integrated in the wider context of Europe 2020 via the flagship initiative 'Youth on the move'. Moreover, in seeking more cohesion between the Youth Strategy and Europe 2020, it is explicitly acknowledged that the objectives of both strategies enforce each other.⁶¹ Furthermore, the enforcement of the strategies includes an enhancement of the visibility of youth policy in the policy fields it is mainstreamed in, especially employment and social inclusion.⁶² An example of the result of closer cohesion is the inclusion of youth (un)employment in the Reform Tracking Device and the Scoreboard resulting from it, which are both part of the EES.⁶³ It is

⁵⁸ As can be deduced from Staff Working Document SWD(2015) 169 final of 15 September 2015 from the Commission on the situation of young people in the EU.

⁵⁹ *Ibid*, p. 3.

⁶⁰ Further agreed point 3, sub ii Renewed Framework 2010-2018.

⁶¹ 2012 Joint Report of the Council and the Commission on *the implementation of the renewed framework for European cooperation in the youth field* (2010-18) (OJ [2012] C394/5); and Council Conclusions 9094/13 of 3 May 2013 on *Maximising the potential of youth policy in addressing the goals of the Europe 2020 Strategy*.

⁶² *Ibid*, p. 5.

⁶³ Communication COM(2012) 173 final of 18 April 2012 from the Commission Towards a Job-rich Recovery; and more specifically: European Commission, Non-paper on The Employment Reform Tracking Device, available on: ec.europa.eu/social/main.jsp?catId=1039&langId=en.

also argued that this would strengthen the impact of youth policy, on its own terms and as contributor to Europe 2020.⁶⁴ It is in this context that particular emphasis is put on young people who are 'not in employment, education, or training' (the NEETs),⁶⁵ which forms the focus target group among young people for this study on the Youth OMC.

To conclude this part, figure 1 illustrates that a regulatory regime is created of which the OMC is the core governance mechanism. In its three year cycle the OMC sets the priorities for the next period. Within this process it is also determined which issues of these priorities are to be mainstreamed in other policy fields, especially the EES and SIS, and which are worked out in specific youth measures. Through Flagship Initiative *Youth on the Move* the Youth Strategy is directly anchored in Europe 2020. Through its mainstreaming in the EES, SIS and Education OMC, many of its issues are integrated in the European Semester, which is governance mechanism of Europe 2020 (also an OMC). The Youth Strategy finds further anchoring in various European funds that financially support Member States activities related to the eight action fields of the Youth Strategy. Overseeing the whole regulatory regime the main role of the OMC appears to be that of coordinating governance at European level, more than directly steering the policies activities of the Member States.

III.2 Ideas and concepts of EU youth (un)employment policy

In this part I analyse the ideas and concepts underlying EU youth (un)employment policy. The analysis starts with the first initiative in the field of Youth that used the OMC as governance mechanism. This was the 1991 Council Resolution on *Priority actions in the youth field*.⁶⁶ The intention of this Resolution was to “reinforce young people's consciousness of belonging to Europe and take account of their wish to play a positive role in the building of the European Community.”⁶⁷ Ten years later this intention is repeated, and continued, in the 2001 White Paper *New impetus for European Youth*.⁶⁸ More specifically, the general tenor of the White Paper is about giving young people a stronger say and make them stakeholders in the European

⁶⁴ Council Conclusions on *Maximising the potential of youth policy in addressing the goals of the Europe 2020 Strategy*, *cit.*, point 11 (p. 5).

⁶⁵ *Ibid*, point 14 (p. 6).

⁶⁶ Council Resolution 91/C 208/01 of 26 June 1991 on priority actions in the youth field.

⁶⁷ *Ibid*, preamble.

⁶⁸ Commission *A New Impetus for European Youth – A White Paper*, COM(2001) 681 final, p. 14 *et seq.*

society, at all levels - from local to international level.⁶⁹ It is stressed that the aim of the Youth programme is

"to encourage young people to make an active contribution to European integration, to developing intercultural understanding, strengthening fundamental values such as human rights and combating racism and xenophobia, developing a sense of solidarity, encouraging a spirit of enterprise, initiative and creativity, stimulating the recognition of non-formal education, and strengthening cooperation on the part of all people active in the youth field."⁷⁰

There to five policy subjects have been indicated as priority areas: 1. Education, lifelong learning and mobility; 2. Employment; 3. Social integration; 4. Young people against racism and xenophobia; and 5. Autonomy for young people.⁷¹ The focus in the second priority area (employment) is on mainstreaming in the EES. As far as young people specifically are concerned, the

"Employment Guidelines stress the need for policies to prevent long-term unemployment based on individual counselling; improved education and training systems; reducing the number of young people who leave education and training systems prematurely; making instruction in the technology universally available."⁷²

The focus of the White Paper is thus on active citizenship of young people, which is to be developed and encouraged. Empowerment of young people is not only important for young people themselves, as they are the ones affected by economic change, demographic imbalance, and global and cultural diversity. It is also important for the European society, since young people are the future of the European societies, they are the persons that create new forms of social relations, different ways of expressing solidarity or of coping with differences and finding

⁶⁹ *Ibid*, pp. 4, 10 and 12.

⁷⁰ *Ibid*, p. 21.

⁷¹ *Ibid*.

⁷² *Ibid*, p. 20.

enrichment in them.⁷³ Employment is an essential resource for the autonomy of young people, which enables (empowers) young people to fulfil their role in society.⁷⁴

The next policy development is the adoption of the Youth Pact in 2005 as part of the relaunch of the Lisbon Strategy.⁷⁵ recognises that the integration of "young people in society and working life, and making better use of their potential, are essential for ensuring a return to sustained and sustainable growth in Europe".⁷⁶ The discourse in the Youth Pact shifts slightly from an emphasis on the role and importance of young people in society, to a recognition of the vulnerability of young people themselves in society.⁷⁷ Other principal issues include: the need to develop solidarity across the generations, in an aging society; the need to equip young people through their education and training; and the need for better coherence across all policy areas that concern young people.⁷⁸ Against the background of these principle issues, three strands for youth policies and measures are formulated: employment, integration and social advancement; education, training and mobility; and reconciliation of family life and working life.⁷⁹ Active citizenship of young people is mentioned, however, from being the first and primary issue it has moved to the last place in rank of issues being addressed.⁸⁰ Remarkable is that the issue of human right values is no longer in focus as it is merely mentioned as "other policies with relevance to young people" in which the youth dimension is to be mainstreamed.⁸¹ Nothing at all is mentioned about strengthening the autonomy of young people.

With regard to the issue of employment, the same approach of the White Paper is followed, i.e. mainstreaming of youth issues into the guidelines of the EES. The discourse shifts slightly though. While the White Paper was concerned with preventing long-term unemployment in

⁷³ *Ibid*, p. 4.

⁷⁴ *Ibid*.

⁷⁵ Council Conclusions of 22 and 23 March 2005, Annex 1 *Youth Pact* (7619/05), p. 3.

⁷⁶ Communication COM(2005) 206 final of 30 May 2005 from the Commission Addressing the concerns of young people in Europe - implementing the European Youth Pact and promoting active citizenship, p. 2; and Council Conclusions of 22 and 23 March 2005, Annex 1 *Youth Pact* (7619/05).

⁷⁷ First identified principle issue of the Youth Pact, Communication COM(2005) 206 final cit.

⁷⁸ COM(2005) 206 final, cit., p. 2-3.

⁷⁹ *Ibid*, p. 3-4.

⁸⁰ *Ibid*, p. 8-9.

⁸¹ *Ibid*, p. 10.

general, the Youth Pact is concerned with the reduction of youth unemployment.⁸² This signals that unemployment among young people is becoming an issue of particular concern. Particularly, employment pathways are to be build, and personalised action plans, with job assistance, guidance and training are to be developed.⁸³ The context in which this is promoted is within that of empowerment of young people. However, also investment is becoming more important, especially within the wider context of the Employment Strategy which includes a guideline on the “expansion and improvement of investment in human capital”.⁸⁴

The shift from empowerment to investment is continued by the 2009 Youth Strategy. In the Commission’s Communication implementing the Youth Strategy, it is already indicated by the title: *An EU strategy for youth - Investing and empowering*.⁸⁵ The effects of the financial and economic crisis at the political background are clearly visible in the Youth Strategy and foster the need of investment in young people. In the words of the Commission, “[y]outh are a priority of the European Union’s social vision, and the current crisis compounds the need to nurture young human capital.”⁸⁶ The Commission explicitly spells out the dual policy approach underpinning the Youth Strategy:

- “– **Investing in Youth:** putting in place greater resources to develop policy areas that affect young people in their daily life and improve their well-being.
- **Empowering Youth:** promoting the potential of young people for the renewal of society and to contribute to EU values and goals.”⁸⁷ (emphasis in original)

Furthermore, the fields of action are more comprehensive than that of the predecessors of the Youth Strategy – the White Paper and the Youth Pact. Indeed, it brings together all previously introduced policy areas, i.e. 1) education and training; 2) employment and entrepreneurship; 3) health and well-being; 4) participation; 5) voluntary activities; 6) social inclusion; 7) youth and the world; and 8) creativity and culture.⁸⁸ Mainstreaming of youth matters or integration of the

⁸² *Ibid*, p. 4 and 5.

⁸³ *Ibid*, p. 5.

⁸⁴ *Ibid*.

⁸⁵ COM(2009) 200 final, cit.

⁸⁶ *Ibid*, p. 3.

⁸⁷ *Ibid*, p. 5; and point 5 in the preamble of the Renewed Framework 2010-2018.

⁸⁸ Accordingly agreed point 2 Renewed Framework 2010-2018.

youth dimension, in other policy fields is continued, including into the Employment Guidelines. Additionally, more emphasis is put on the development of specific initiatives in the youth field, including in the area of youth work.⁸⁹ Thereto, possible initiatives are listed in Annex I of the Youth Strategy. These include general initiatives that should be considered in all the fields of action, as well as youth-related aims and possible initiatives for each specific field of action.⁹⁰ The general initiatives are concerned with governance aspects and include initiatives such as “strengthening cooperation with local and regional authorities” and “supporting the development of youth work and recognising its value”.⁹¹

The youth-related aim for the action field “Employment and entrepreneurship” is the following:

"Young people's integration into the labour market, either as employees or as entrepreneurs, should be supported. The transition from education and training, or from unemployment or inactivity, to the labour market should be facilitated and supported. Opportunities to reconcile working life with family life should be improved. In the post-2010 Lisbon Strategy a youth perspective needs to be ensured, and work carried out in line with the overall objectives of the European Youth Pact needs to be continued."⁹²

This is followed by a (non-exhaustive) list of in total eleven initiatives,⁹³ among which initiatives to increase and improve investments in the provision of suitable skills for those jobs in demand on the labour market; to take into account the specific situation of young people when devising *flexicurity* strategies; and initiatives to promote quality internships and apprenticeships to facilitate the entry to, and progress within, the labour market.⁹⁴

Annex II of the Youth Strategy defines the priorities for the first OMC-cycle, which is youth employment.⁹⁵ Thereto three specific priorities areas are defined. The first specific priority area is social inclusion. The most significant activity in this priority area is the strengthening of the

⁸⁹ Accordingly agreed point 3, sub (i) Renewed Framework 2010-2018.

⁹⁰ Annex I to the Renewed Framework 2010-2018, pp. 5-9.

⁹¹ *Ibid*, p. 5 (under (a) General initiatives).

⁹² *Ibid*, p. 6 (under Employment and Entrepreneurship).

⁹³ *Ibid*.

⁹⁴ *Ibid*.

⁹⁵ Annex II to the Renewed Framework 2010-2018, p. 10.

Youth Pact within the context of the post-2010 Lisbon Strategy, i.e. Europe 2020. This indicates that the Youth Strategy is not replacing the Youth Pact, instead it is merging it within the wider Youth Strategy and the even more general strategy Europe 2020.⁹⁶ Hence, previously formulated discourses are integrally incorporated in the Youth Strategy.

The strategy Europe 2020 affected the discourse on youth employment in two ways. Firstly, as Europe 2020 is more about the coordination of governance, it has created a stronger governance structure to align various initiatives, i.e. the European Semester.⁹⁷ This has affected the discourse of EU youth policy in the sense that it creates more attention for *flexicurity* as policy path to deal with youth employment.⁹⁸ Secondly, Europe 2020 includes a special flagship initiative for youth: Youth on the Move.⁹⁹ Youth on the Move "aims to improve young people's **education and employability**, to reduce high youth unemployment and to **increase the youth-employment rate**".¹⁰⁰ (emphasis in original) The policies supporting the aims of Youth on the Move reflect those introduced in the 2001 White Paper. Especially on the issues of youth mobility, non-formal and informal learning, and the promotion of apprenticeships and internships.¹⁰¹

Over the course of time, the financial and economic crisis severely affected the position of young people on the labour market in most of the Member States (see figure 2). While youth unemployment rates were average when the 2001 White Paper was adopted with its emphasis

⁹⁶ Cf. P. Copeland and B.P. ter Haar, *The Open Methods of Coordination as Amplifier for EU Soft Law – The Case of EU Youth Policy*, cit..

⁹⁷ See above in section III.1.

⁹⁸ E.g. Employment Guideline 7 Annexed to Decision 2010/707/EU of the Council of 21 October 2010 on guidelines for the employment policies of the Member States includes "Work-life balance policies with the provision of affordable care and innovation in the manner in which work is organised should be geared to raising employment rates, particularly among young people, older workers and women. Member States should also remove barriers to labour market entry for newcomers, promote self-employment, entrepreneurship and job creation in all areas including green employment and care and promote social innovation."

⁹⁹ Communication COM(2010) 200 final of 3 March 2010 from the Commission EUROPE 2020 A strategy for smart, sustainable and inclusive growth; and Communication COM(2010) 477 final of 15 September 2010 from the Commission Youth on the Move. An initiative to unleash the potential of young people to achieve smart, sustainable and inclusive growth in the European Union.

¹⁰⁰ ec.europa.eu/social/main.jsp?catId=950&langId=en.

¹⁰¹ COM(2010) 200 final, cit., p. 14.

on employment as resource for autonomy, and were going down in the period 2005 - 2007 when the Youth Pact was adopted which focused on the promotion of employment opportunities for young people, youth unemployment rates increased dramatically in 2008, which urged the need for focussed and determinate youth employment actions, especially for young people that were neither in employment, education, nor training (the NEETs).¹⁰² This change in youth unemployment rates is reflected in the discourse on EU youth employment policies. The 2001 White Paper considered youth employment as a resource for the creation of autonomy of young people, needed to fulfil their role in society. The in 2005 adopted Youth Pact promoted youth employment as part of the wider context of the Lisbon Strategy to raise employment levels and create better quality jobs. The 2009 Youth Strategy initially continues on this path by making the issue of youth employment the overall objective of the first priority area, resonating the approaches of both the White Paper and the Youth Pact. It is only with the adoption of Europe 2020 in March 2010, when the deteriorating position of young people on the labour market becomes more apparent in EU policy document. More importantly, the discourse changes from 'promoting employment' to 'tackling unemployment'.¹⁰³ This is also the moment that the measures change from empowering to investing in young people.

With the peak of youth unemployment in 2012 and 2013 the EU adopts, as part of the Youth Strategy, the Youth Employment Package, which specific focus on the NEETs.¹⁰⁴ Although it is acknowledged that the underlying causes for the high youth unemployment rates are several and vary per Member State,¹⁰⁵ one thing is clear, they are in this situation, because they have to

¹⁰² Cf. G.S.F. Bruno, E. Marelli, M. Signorelli, *The Rise of NEET and Youth Unemployment in EU Regions after the Crisis*, in *Comparative Economic Studies*, 2014; and also Employment Guideline 8 Annexed to Decision 2010/707/EU of the Council of 21 October 2010 on guidelines for the employment policies of the Member States, which stresses the need to “support young people and in particular those not in employment, education or training” and invites that “Member States, in cooperation with the social partners, should enact schemes to help those people find initial employment, job experience, or further education and training opportunities, including apprenticeships, and should intervene rapidly when young people become unemployed.”

¹⁰³ E.g. Communication COM(2011) 933 final of 20 December 2011 from the Commission Youth Opportunities Initiatives.

¹⁰⁴ *Ibid*, p. 5.

¹⁰⁵ G.S.F. Bruno, E. Marelli, M. Signorelli, *The Rise of NEET and Youth Unemployment in EU Regions after the Crisis*, cit.; J O'Reilly et al., *Five Characteristics of Youth Unemployment in Europe: Flexibility, Education, Migration, Family Legacies, and EU Policy*, in *SAGE Open* (2015); M Sargeant, *Young People and Age Discrimination*, in *E-Journal of International and Comparative Labour Studies*, 2013; and B.P. ter Haar, *EU Age*

make the transition from education into employment. Another common understanding seems to be that good educational qualifications are essential for a smooth transition from education onto the labour market.¹⁰⁶

When related to the situation of (un)employment of young people, EU countries can be divided into five groups, based on 1) the degree to which those in education are simultaneously on the labour market; and 2) the level of youth unemployment, measured in terms of the youth unemployment ratio.¹⁰⁷ This is illustrated in figure 3. The first group is comprised of countries in which very few students are employed or unemployed. For countries in this group, the overlap between the labour market and education is very small. The second group of countries has two features: firstly, they have a moderate overlap between education and the labour market; and secondly their youth unemployment levels are around the EU average. The third group of countries has also a moderate overlap between education and the labour market, but these countries have a high level of youth unemployment. The fourth group displays a high involvement of students in the labour market, combined with an average level of unemployment. The fifth group also displays a high involvement of students in the labour market, and a very low unemployment rate among those in education.¹⁰⁸

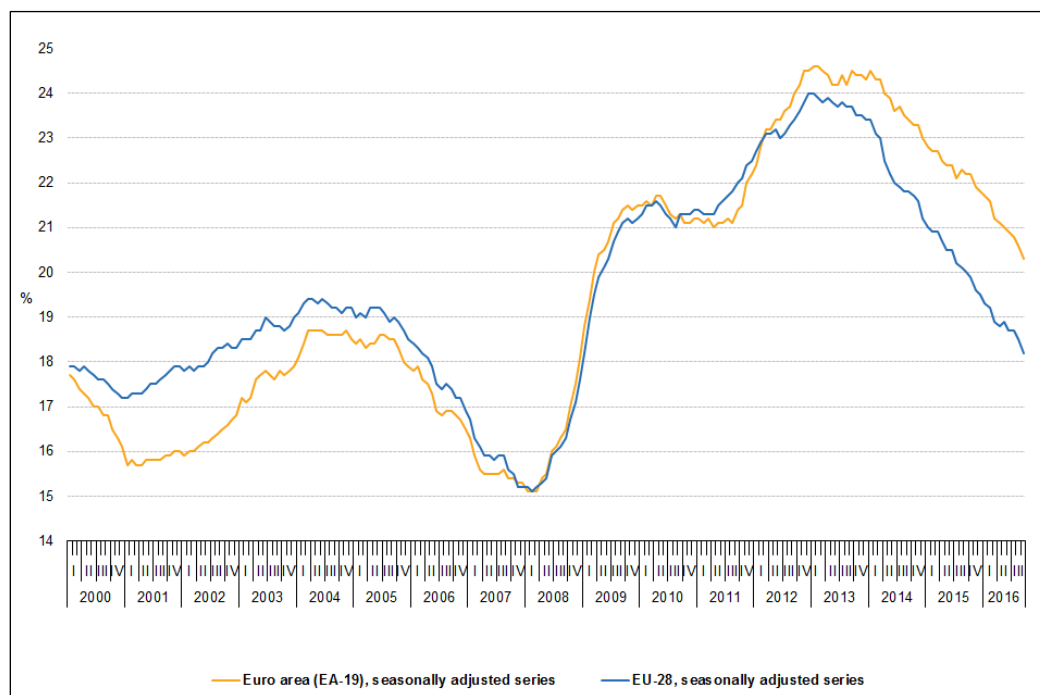
Discrimination Law: Is it a Curse or a Blessing for EU Youth Policy?, in U. Belavusau and K. Henrard (eds.), *EU Anti-Discrimination Law Beyond Gender*, Oxford: Hart Publishing, forthcoming 2018.

¹⁰⁶ Cf. ec.europa.eu/eurostat/statistics-explained/index.php/Archive:School-to-work_transition_statistics.

¹⁰⁷ ec.europa.eu/eurostat/statistics-explained/index.php/Participation_of_young_people_in_education_and_the_labour_market.

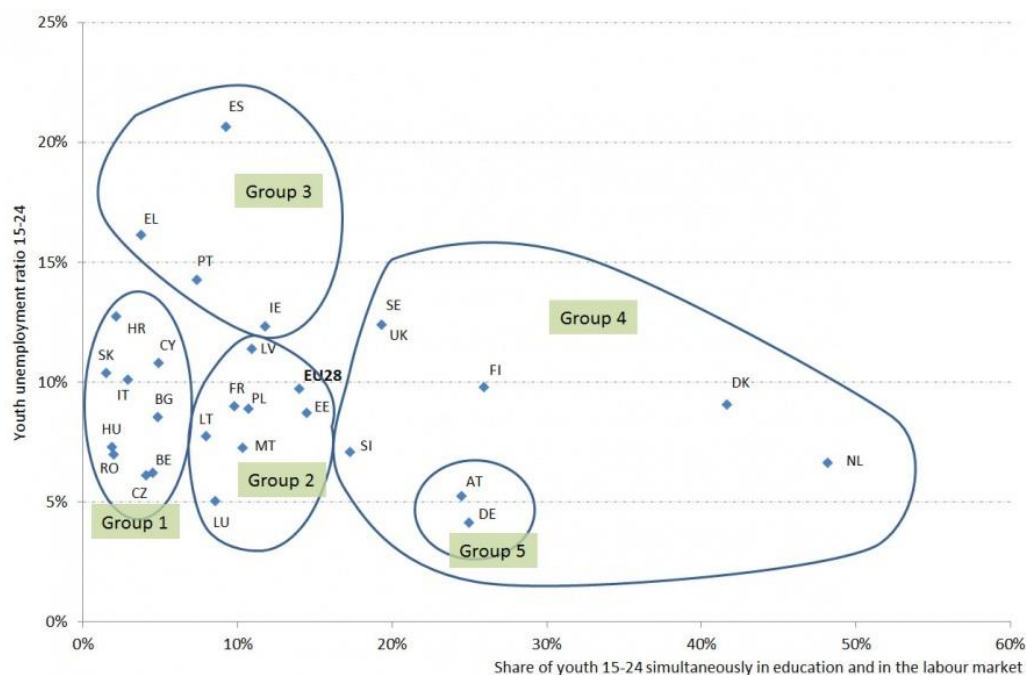
¹⁰⁸ *Ibid.*

Figure 2 Youth unemployment rates, EU-28 and EA-19, seasonally adjusted, January 2000 - September 2016 (%)



Source: Eurostat November 2016.

Figure 3 Country groups by participation of persons simultaneously in education and in the labour market



Source: Eurostat Statistics Explained: Youth unemployment (2012)¹⁰⁹

¹⁰⁹ ec.europa.eu/eurostat/statistics-explained/index.php/Main_Page.

What these statistics illustrate is that the education and employment situations of young people in the Member States differ significantly. Nonetheless, to tack youth unemployment, especially concerning the NEETs, the Youth Employment Package indicates the following points as factors of relevance in most of the Member States:

- Early school leaving without qualifications.
- Lack of relevant skills and lack of work experience.
- Precarious employment followed by spells of unemployment.
- Limited training opportunities.
- Insufficient/inappropriate active labour market programmes.¹¹⁰

In order to cope with these factors, the Youth Employment Package recommends the Member States to undertake actions in four main areas: 1. Preventing early-school leaving; 2. Developing skills that are relevant to the labour market; 3. Supporting a first work experience and on-the-job training; and 4. Access to the labour market: getting a (first) job.¹¹¹ Furthermore, it is stressed to make more use of the financial support the EU can offer for youth employment measures through its funds.¹¹² More concretely, emphasis is put on initiatives to support the transition from education to work, especially via the development of apprenticeships and traineeships. Key actions within the Youth Employment Package are therefore: Youth Guarantee (supported by the Youth Employment Initiative);¹¹³ a Quality Framework for Traineeships;¹¹⁴ and the European Alliance for Apprenticeships.¹¹⁵

The three key actions are connected with each other by Youth Guarantee, since the aim of it is to create

¹¹⁰ Communication COM(2011) 933, cit., p. 6.

¹¹¹ *Idem*, pp. 6-7.

¹¹² *Idem*, p. 8.

¹¹³ Council Recommendation of 22 April 2013 on establishing a Youth Guarantee; and European Council Conclusions of 7 and 8 February 2013 on Multiannual financial framework, paras 59 and 60.

¹¹⁴ Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships.

¹¹⁵ European Alliance for Apprenticeships Declaration of the European Social Partners, the European Commission and the Lithuanian Presidency of the Council of the European Union, available at: ec.europa.eu/social/main.jsp?catId=1147&langId=en; and Council (EPSCO) Declaration 14986/13 of 15 October 2013 on European Alliance for Apprenticeships.

"a situation in which young people receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship within a period of four months of becoming unemployed or leaving formal education. An offer of continued education could also encompass quality training programmes leading to a recognised vocational qualification."¹¹⁶

The Quality Framework for Traineeships supports

"the improvement of working conditions and the learning content of traineeships. The main element of the Quality Framework for Traineeships is the written traineeship agreement that indicates the educational objectives, adequate working conditions, rights and obligations, and a reasonable duration for traineeships."¹¹⁷

Consistent with the discourse on non-formal or informal learning as part of EU Youth employment policies fostered by the Youth OMC, the Recommendation on the Quality Framework for Traineeships also promotes the proper recognition of traineeships and the validation of knowledge, skills and competences acquired during the traineeship.¹¹⁸ This point has also been stressed as important in the Declaration on Apprenticeships.¹¹⁹ What both, traineeships and apprenticeships also have in common, and which is stated clearly in the Apprenticeship Declaration is that:

"High-quality apprenticeship schemes can make a positive contribution to combating youth unemployment by fostering skills acquisition and securing smooth and sustainable transitions from the education and training system to the labour market."

Although often used in the same contexts and documents, there is a difference between apprenticeships, traineeships, and internships. However, they all serve the same aim: to ease the transition from education into the labour market for young people.

¹¹⁶ Council Recommendation of 22 April 2013 on establishing a Youth Guarantee, par. 5 preamble and Art. 1.

¹¹⁷ Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships, par. 11 preamble, and Artt. 1-11.

¹¹⁸ *Ibid*, Article 13.

¹¹⁹ Article 7 of the Declaration on Apprentices, cit.

How necessary it is to undertake (employment) measures for young people is underlined again in the EU 2015 Youth Report, which states that “[s]ome young people are increasingly excluded from social and civic life. Worse still, some are at risk of disengagement, marginalisation or even radicalisation.”¹²⁰ Many young people are still neither in employment nor education or training (NEETs); about 13,7 million.¹²¹ Therefore, the work cycle of the Youth OMC for 2016 – 2018 prioritises: 1) social inclusion of all young people, especially the NEETs; 2) stronger participation of all young people, especially those at risk of marginalisation (which includes NEETs); and 3) easier integration into the labour market for all young people, especially those in transition from education to work (which applies in particular to the NEETs).¹²² More generally, the tenor of the 2016-2018 work cycle is that of investment in young people, which is confirmed by the Commission’s Communication on *Investing in Europe’s Youth*.¹²³

Investing in Europe’s Youth is a renewed effort to support young people in the form of a package comprised by three strands of action: 1. Better opportunities to access employment; 2. Better opportunities through education and training; and 3. Better opportunities for solidarity, learning mobility and participation.¹²⁴¹²⁵ Within the first strand of action no new goals or policies are introduced. Thus, the designated activities are Youth Guarantee and its financial support programme the Youth Employment Initiative.¹²⁶ Interestingly, the second action strand introduces a Skills Guarantee¹²⁷ as part of the New Skills Agenda¹²⁸.¹²⁹ Skills Guarantee is complementary to Youth Guarantee, since it is available for those who are not eligible for Youth

¹²⁰ Communication COM(2015) 429 final of 15 September 2015 from the Commission on Draft 2015 Joint Report of the Council and the Commission on the implementation of the renewed framework for European cooperation in the youth field (2010-2018).

¹²¹ Eurostat 2014.

¹²² Communication COM(2015) 429 final, cit.

¹²³ Communication COM(2016) 940 final of 7 December 2016 from the Commission on Investing in Europe’s Youth.

¹²⁴ This includes

¹²⁵ *Ibid*, p. 4-5.

¹²⁶ *Ibid*.

¹²⁷ Council Recommendation of 19 December 2016 on Upskilling Pathways: New Opportunities for Adults

¹²⁸ Communication COM(2016) 381 final of 10 June 2016 from the Commission on A new skills agenda for Europe. Working together to strengthen human capital , employability, and competitiveness.

¹²⁹ Communication COM(2016) 940 final, cit., p. 6.

Guarantee, moreover, it is for people in-work and out of work.¹³⁰ The aim of the Skills Guarantee is to improve the employment opportunities of low-skilled adults by improving their “literacy, numeracy and digital skills and – where possible – develop a wider set of skills leading to an upper secondary education qualification or equivalent”.¹³¹ Therefore Skills Guarantee provides a programme in three steps:

- a skills assessment, enabling low-qualified adults to identify their existing skills and their upskilling needs;
- a learning offer, responding to the specific needs of individuals and of local labour markets; and
- opportunities to have their skills validated and recognised.¹³²

Although Skills Guarantee is not exclusively for young people, on the contrary it is suggested that they should first appeal to Youth Guarantee, young people, especially when aged above 25, can benefit from it. Moreover, when reviewed in light of the discourse analysis, it is a further example of the strong emphasis on investment which dominates EU youth policies since 2009. At least in the policy area of youth (un)employment.

IV. Dutch Youth Unemployment Policy

To assess the influence of the Youth OMC on the policies of the Member States two things are interesting to analyse. First, it would be interesting to see whether national youth policies made a similar shift from youth employment policies as a resource for empowerment into investment in youth employment as a goal in itself. Secondly, it would be interesting to find idea, concepts, etc. of the more direct policies promoted at European level regarding youth employment, in particular Youth Guarantee and the promotion of traineeships etc.

Therefore the case study on The Netherlands covers a similar period as the discourse analysis on the Youth OMC, starting at the early 1990s till about 2016. The analysis is based on documents only, i.e. the measures themselves, including parliamentary documents and doctrinal writing. The relevant policies and measures are found by an assessment of the Dutch

¹³⁰ Cf. Commission proposal for a Council Recommendation COM(2016) 382 final of 10 June 2016 on establishing a Skills Guarantee.

¹³¹ *Ibid*, p. 4-5.

¹³² *Ibid*, p. 5.

employment reform programme which are drawn as part of the EES. Furthermore, it is based on the snow ball effect following references in the found policies and measures to other policies and measures. Furthermore, the found policies and measures will be distinguished in four policy areas: 1) comprehensive youth programmes; 2) specific youth (un)employment measures; 3) educational measures; and 4) labour law and social security measures. However, to gain a better understanding of the context in which the Dutch policies and measures have been adopted, an overview is sketched of youth (un)employment in The Netherlands over the course of time.

IV.1. Youth (un)employment in The Netherlands

Figure 4 illustrates the development of youth unemployment over a period of 40 years, i.e. from 1974 to the first half of 2017. The data has been derived from various sources, among which the OECD Labour Force data (data till 2006), EURO Stat and CBS (Central Bureau of Statistics) (both data for 2006-2017). The data is not fully consistent over the course of time, since the definition for employment, and therewith for unemployment, has changed twice: in 1986 and 2015.¹³³ In particular the latter change affected the data significantly. Before 2015 a person was considered to be employed if he worked for 12 hours per week or more. This definition was based on the presumption that a person employed for 12 hours per week could earn a substantial income.¹³⁴ In 2015 the CBS changed the definition in line with that of the International Labour Organisation (ILO), i.e. everyone who works more than one hour per week is no longer considered as searching for employment.¹³⁵ Consequently, the unemployment rate is lower than it would have been under the previous definition.¹³⁶ Since it is unclear how

¹³³ Cf. P. de Beer, *Het onderste kwart. Werk en werkloosheid aan de onderkant van de arbeidsmarkt*, Sociaal Cultureel Planbureau: Cahier 132, 1996; and W. Salverda, *Jeugdwerkloosheid is veel hoger dan zij lijkt*. in NRC, 28 March 2015.

¹³⁴ J. Julen, *Hoe werkloos zijn jongeren nu echt?* in Trouw, 17 February 2017.

¹³⁵ More precisely, the definition is: 1) Someone aged 15 to 74 (in Italy, Spain, the United Kingdom, Iceland, Norway: 16 to 74 years); 2) without work during the reference week; 3) available to start work within the next two weeks (or has already found a job to start within the next three months); and 4) actively having sought employment at some time during the last four weeks.

¹³⁶ W. Salverda, *Jeugdwerkloosheid is veel hoger dan zij lijkt*. Cit., who argues that if the data would be adjusted to the definition used before 2015, the youth unemployment rate would be around 37%, instead of the 11% in 2015. This would be the same level of unemployment as in countries like Spain, Greece, Italy, Cyprus, Ireland and Portugal. Also, it is much higher than during the crisis of the early 1980s (around 26%), when concerns were raised about a lost generation because so many young people were unable to find a job, as has been done in 2013 (Cf. K. ten Have, G. Jehoel-Gijsberts, *Werkloze Jongeren: een verloren generatie?*, in *Tijdschrift voor*

different the youth unemployment rate would be, speculations vary between 37% instead of 11% in 2015 and 13,2% instead of 9,8% in 2017,¹³⁷ I have not adjusted the data for this. Furthermore, it doesn't seem necessary to adjust the data, because the definition used since 2015 is the same that is used by Eurostat.¹³⁸ The youth unemployment rate for The Netherlands is thus comparable with that of other EU Member States.

Figure 4. Development youth unemployment in The Netherlands from 1974 – 2017¹³⁹



Following the development of the youth unemployment rate over the course of time for The Netherlands, four periods stand out. The first period is the early 1980s. A period that was hit by crisis¹⁴⁰ which made unemployment rates rise to unprecedented levels, up to almost 26% in 1983. The second period of higher levels of youth unemployment is between 1994 and 1996,

arbeidsvraagstukken, 1986; and F. Dekker, *Jeugdwerklozen: wij zijn niet verloren*, in *Sociale Vraagstukken*, 15 December 2013). See also: J. Julen, *Hoe werkloos zijn jongeren nu echt?* in *Trouw*, 17 February 2017, who indicates the same as Salverda, however, in her article the adjusted unemployment rate would be around 13,2%, instead of the 9,8% in 2017.

¹³⁷ *Ibid.*

¹³⁸ ec.europa.eu/eurostat/statistics-explained/index.php/Youth_unemployment#Definition_of_unemployment_and_youth_unemployment_indicators.

¹³⁹ based on the various sources described above.

¹⁴⁰ Cf. R. Bhageloe-Datadin, *De huidige crisis vergeleken met die van de jaren 80*, Central Bureau of Statistics 2012.

and the third the financial and economic crisis of 2008, with its top in 2013. Another period that stands out are the years around the turn of the century, i.e. 1999 to 2003, when the youth unemployment rates were the lowest in this 40 year period.

Some further specifics of Dutch youth unemployment are the following. In general young people with (parents with) a migrant background (*niet-westerse allochtonen*) are more often unemployed than young people with a Dutch background. On average this is about twice as often.¹⁴¹ Furthermore, the percentage of NEETs among unemployed young people is relatively low compared with the EU average levels: 5,7% among young people with a migrant background and 3,2% among young people with a Dutch background in 2013,¹⁴² whereas the European average was at approximately 20%.¹⁴³

In relation to EU 28, the Netherlands knows a relatively low to average level of youth unemployment over the course of time and ranks currently (2017) in the top five Member States with the lowest level of youth unemployment.¹⁴⁴ In terms of in and out of education and employment, as discussed previously in Section III.2, The Netherlands is categorised in group 4, characterised by a relatively high level of employment during education and a low to average level of unemployment.¹⁴⁵ Figure 5 illustrates the situation in The Netherlands in 2012. What is particular for The Netherlands is that there is a relatively high level of unemployment among students at the age of 15 to 17 years. This can be explained by the fact that it is common practice that people start to look for work at a young age.¹⁴⁶ It is also the consequence of a so called ‘dual study programme’ in specific fields of tertiary education that includes practical work phases.¹⁴⁷ These unemployment rates decline steadily at higher ages, however, they are

¹⁴¹ Cf. Report Social Economic Council, *Maak baan voor een nieuwe generatie*, 2013, p. 11.

¹⁴² *Ibid*, 13.

¹⁴³ Cf. ec.europa.eu/eurostat/statistics-explained/index.php/File:Share_of_young_people_neither_in_employment_nor_in_education_and_training,_by_age,_EU-28,_2006%E2%80%932016.PNG.

¹⁴⁴ [ec.europa.eu/eurostat/statistics-explained/index.php/File:Youth_unemployment_figures,_2007-2016_\(%25\)_T1.png](http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Youth_unemployment_figures,_2007-2016_(%25)_T1.png).

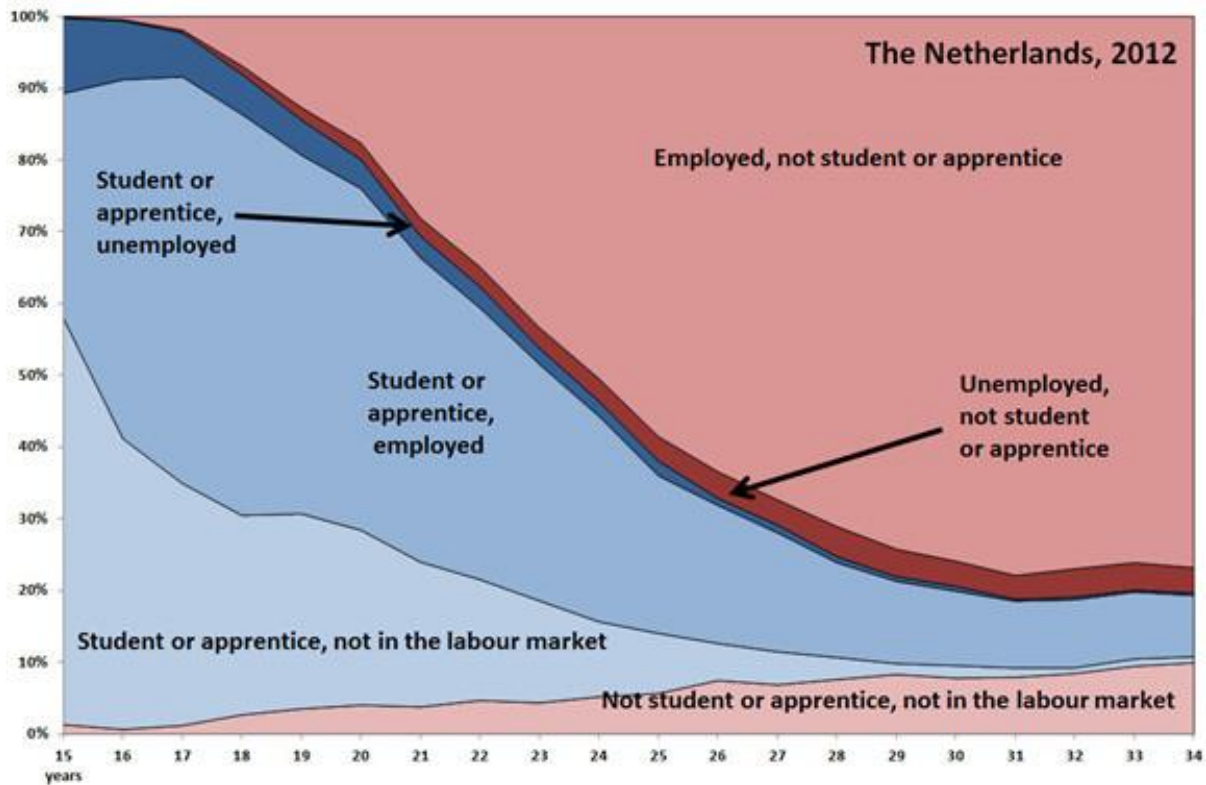
¹⁴⁵ ec.europa.eu/eurostat/statistics-explained/index.php/Main_Page.

¹⁴⁶ Cf. Euro statistics explained, *Participation of young people in education and the labour market*, available at: ec.europa.eu/eurostat/statistics-explained/index.php/Main_Page/

¹⁴⁷ *Ibid*.

counterbalanced by a rise in unemployment among those not in education, which brings the unemployment level for 2012 at 11,7%.¹⁴⁸

Figure 5. Structure of youth population by education and labour market status, The Netherlands, 2012



Source: Eurostat Statistics Explained: Youth unemployment (2012)

When reviewing various government documents, official reports, literature on youth (un)employment and newspaper articles,¹⁴⁹ the following causes can be identified for youth unemployment in the Netherlands:

- Flexibility of the labour market. Many young workers start in flexible jobs and in times of economic recession it are the flexible contracts that are terminated as first.
- Economic cycle. Due to low to moderate economic growth it is difficult for young people to find jobs since they lack experience.

¹⁴⁸ *Ibid.*

¹⁴⁹ This list is based on various sources, especially: Ministry of Social Affairs, *Letter to Parliament on 'Agenda Aanpak Jeugdwerkloosheid 2015-2016*, 31 March 2015; F. Dekker, *Jeugdwerkloosheid vraagt om beleid dat economisch herstel bevordert*, in *Sociale Vraagstukken*, cit.; Report Social Economic Council, *Maak baan voor een nieuwe generatie*, cit.; and P. de Beer, *Het onderste kwart*, cit.

- Lack of sufficient education (*startkwalificatie*). Early school leavers and drop outs have to enter the labour market without proper preparation which makes it more difficult to find employment.
- Ethnicity and social background. Statistical data indicates an unemployment rate of 30% among young people with a migrant background, against an unemployment rate of app. 10% among young people with a Dutch background. There are many causes for this, among which insufficient education, poor social area they live in (*probleemwijken*), and negative prejudices.
- Mismatch between education and needs labour market. Young people tend to choose studies that prepare for jobs with limited chances of employment (often in the socio-economic and cultural sector), instead of studies that prepare for jobs with high chances of employment (often in healthcare, technic, industry, construction and education).

With the first serious growth of unemployment in The Netherlands since the Second World War, in 1974, it was the idea that it was just a temporary phenomenon that could be solved with good traditional Keynesian policies to boost the economy.¹⁵⁰ However, unemployment didn't resolve and after the second oil crisis in the 1980s, unemployment rates increased to a record of over 25% (see figure 4 above). At this point it became clear that it was not a temporary issue, but a structural one and that special measures were needed to re-divide work.¹⁵¹ For example, older workers were sent on early retirement in order to make place for younger workers, and workers in employment were asked to work shorter in order to create more jobs in the same employment.¹⁵² During the second half of the 1980s another problem occurred: the economy recovered and in a period of seven years (between 1985 and 1992) about 700.000 jobs were created, however, unemployment declined slowly with only 100.000 people.¹⁵³ It were not the unemployed who benefited from the new jobs, instead it were people newly entering the labour market, especially young people who just finished their education and women re-entering the labour market.¹⁵⁴ During the early 1980s it was just everyone who could end up in (long term) unemployment, this time, however, it were mainly low-skilled workers and people with a

¹⁵⁰ P. de Beer, *Het onderste kwart*, cit., p. 9.

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*, p. 10.

migrant background.¹⁵⁵ Consequently, the attention on policy making shifted from general economic policies to specific policy measures for particular groups of workers, i.e. low-skilled workers and people with a migrant background.¹⁵⁶

IV.2. Youth Guarantee in The Netherlands

Till the turn of the century these more general (youth) unemployment measures were beneficial for young people as well. Their unemployment rate dropped back to the level of the early 1970s, around 5-6% (see figure 4). The most significant policies were the Guaranteed Youth Employment Act and, its more general successor, the Deployment Jobseekers (Youth) Act (*Wet Inschakeling Werkzoekenden*).¹⁵⁷ The core idea of these acts resembles that of the 2013 EU's Youth Guarantee, namely, an integrated, tailor-made programme to support young unemployed people who register with the Employment Office and/or claim social assistance with the municipality social service department in order to foster a speedy (re-)enter into the labour market.¹⁵⁸ Depending on the needs of the jobseeker, the tailor-made programme includes training, work experience schemes, etc. If the programme doesn't lead to a job within 12 months, the jobseeker will be offered a subsidised job.¹⁵⁹

One of the key measures that further developed this idea of youth guarantee, is the Youth Investment Act (*Wet Investeren in Jongeren*), which was adopted in July 2009.¹⁶⁰ The act is based on the assumption that young people are ideally working or in education, and that young people who have completed their education would more easily find employment and therefore would be able to provide in their own livelihood.¹⁶¹ Therefore, the Youth Investment Act introduces a right for young people aged 18 to 27 who are not in employment, nor in education or training (NEET) to claim an offer for either employment, education or training. NEETs can

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ Cf. National Reform Programme 1998 and 1999 of the Netherlands submitted to the European Commission as part of the European Employment Strategy, available at: ec.europa.eu/social/main.jsp?catId=101&langId=en.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

¹⁶⁰ Staatsblad van het Koninkrijk der Nederlanden of 2 July 2009, Wet van 1 juli 2009, houdende bevordering duurzame arbeidsinschakeling jongeren tot 27 jaar (Wet investeren in jongeren), 2009, no. 282.

¹⁶¹ Second Chamber of Parliament Memory van Toelichting Wet Investeren in Jongeren, 2008-2009, 31 775, no.3, p. 2-4.

claim this right after registration with the municipality. When the NEET claims this right, the municipality is obliged to make an offer for employment, education or training which is suitable for the capacity and circumstances of the individual young person applying for it.¹⁶² If such an offer cannot be made due to the personal circumstances of the young person applying for it, or when the offer does not generate enough income, the young person is entitled to (additional) social assistance benefit.¹⁶³ Such an offer can include one measure (for example an offer for a work to learn place) or a series of measures, depending on the situation of the young individual.¹⁶⁴ If the young person refuses a suitable offer, he or she will not be eligible for the social assistance benefit.¹⁶⁵ After the refusal the young person can ask for a new offer. Once an offer is accepted the young person has to observe certain obligations, including cooperating in the determination of a suitable offer; participate in an assessment to establish his or her capacity; and participation in the employment, education or training to the best abilities.¹⁶⁶ When the young person refuses to participate, or isn't taking it serious enough, the municipality has the right to withdraw the offer. Such a withdrawal may also result into the exclusion from the (complementary) social assistance benefit.¹⁶⁷

This act is a paradigm shift compared to the Work and Social Assistance Act (*Wet Werk en Bijstand*), as well as its predecessors the Youth Employment Guarantee Scheme (1992) and the Deployment of Jobseekers (Youth) Act (1998). The default setting in these acts is that a person who is not in employment, nor in education or training, can be entitled to a social assistance benefit.¹⁶⁸ Irrespective the age of the person. Once the entitlement to the social assistance benefit is established and the applicant has not found employment within a certain period (6 months for young people and one year for people above 23) a personalised plan will be drawn up to support the jobseeker.¹⁶⁹ The paradigm shift in the Youth Investment Act is that young

¹⁶² *Ibid*, p. 7.

¹⁶³ *Ibid*.

¹⁶⁴ *Ibid*, p. 4.

¹⁶⁵ *Ibid*, p. 15.

¹⁶⁶ *Ibid*, p. 17.

¹⁶⁷ *Ibid*.

¹⁶⁸ Of course there are some further requirements, for example a means test.

¹⁶⁹ Second Chamber of Parliament Memory van Toelichting Regeling voor de totstandkoming van een gemeentelijk werkfonds voor voorzieningen ter bevordering van de toetreding tot het arbeidsproces van langdurig werklozen en jongeren (Wet inschakeling werkzoekenden), 1996-1997, 25 122, no. 3.

people, i.e. persons aged between 18 and 27, do not have an entitlement to a social assistance benefit. As described above, they have a right to an offer for employment, education or training. Only when the personal circumstances of the young person claiming this right are of such nature that no suitable offer can be made or the offer doesn't generate enough income, an entitlement exists to a (complementary) social assistance benefit.¹⁷⁰ Although initially this paradigm shift was reason to draft a separate law, in 2011 the Youth Investment Act was integrated in the Work and Social Assistance Act.¹⁷¹

IV.3. Other youth (un)employment measures adopted by The Netherlands in the period 1998 - 2017

Overall the Dutch youth (un)employment measures can be distinguished in four policy areas: 1) comprehensive youth programmes; 2) specific youth (un)employment measures; 3) educational measures; and 4) labour law and social security measures. Figure 6 provides an (non-exhaustive) overview of the measures adopted by the Netherlands in the period 1998 – 2017 in these four policy areas.

Comprehensive youth programmes focus not only on the employment situation of young people, but take their full situation of life into account, thus including their social background, their housing situation, level of education, etc. Also these programmes have a wider age-range, often starting at early childhood till the moment they leave formal education. For example, the programme Operation Young, which was adopted in 2004 and ran till 2008,¹⁷² aimed to counter social exclusion among young people in general. Thereto twelve themes for policy action were identified, among which the maximalisation of the achievement of a start qualification by young people in order to improve their opportunities on the labour market.¹⁷³ The 2006 Temporary Neighbourhood, Education and Sport scheme, for example, aims to encourage local authorities

¹⁷⁰ Second Chamber of Parliament, Memory van Toelichting Wet Investeren in Jongeren, cit., p. 4-5.

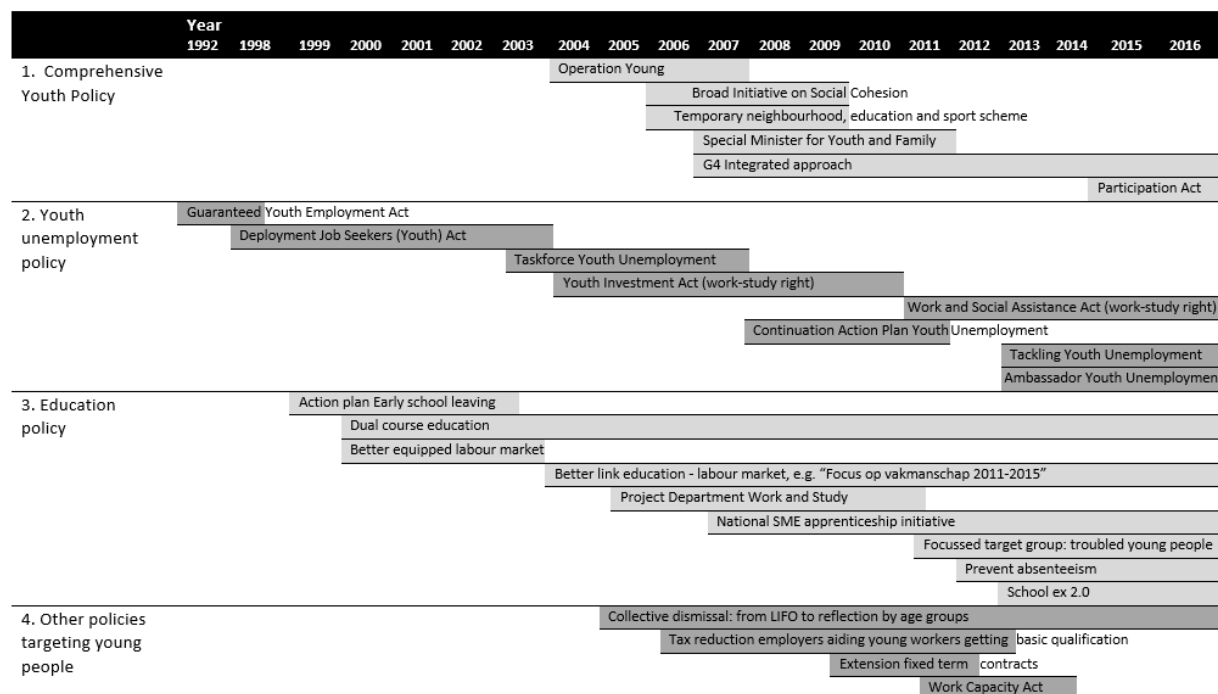
¹⁷¹ Staatsblad van het Koninkrijk der Nederlanden, Wet van 22 december 2011 tot wijziging van de Wet werk en bijstand en samenvoeging van die wet met de Wet investeren in jongeren gericht op bevordering van deelname aan de arbeidsmarkt en vergroting van de eigen verantwoordelijkheid van uitkeringsgerechtigden, Jaargang 2011, 650.

¹⁷² Regeling van de Staatssecretaris van Volksgezondheid, Welzijn en Sport van 19 april 2004, nr. DBO-8464687, houdende instelling Operatie JONG (Instellingsregeling Operatie JONG).

¹⁷³ See for a complete list of themes the document: Operatie JONG, 12 Thema's van Operatie Jong: PLANNEN VAN AANPAK, November 2004.

to address the problems of young people (age 4 – 19 years) by creating a coherent set of activities linked to the situation of young people, in particular those at risk of poverty.¹⁷⁴

Figure 6. Overview Dutch measures to tackle youth unemployment in the period 1998 - 2017



Education policy related to youth unemployment measures can be divided into three focus areas: 1) combatting early school drop outs; 2) creation of apprenticeship positions; and 3) a better connection between education and the labour market. The first focus area is directed at secondary vocational education (MBO) in particular, since this is the level of education with the highest number of drop outs. More importantly, secondary vocational education is the level which is considered to be at least needed to find a job. In Dutch policy documents this is referred to as “basic qualification”.

Characteristic for the Dutch policy to combat early school drop outs is an approach to prevent that young people drop out. For example, via a policy on absenteeism which became increasingly more strict over the course of time. The 1999 action plan on early school leaving, for example, enhanced the enforcement of the obligation that young people up to the age of 16

¹⁷⁴ Staatsblad van het Koninkrijk der Nederlanden Tijdelijke Stimuleringsmaatregeling buurt, onderwijs en sport, 2004, no. 193.

years have to be enrolled in formal education (schoolplicht).¹⁷⁵ Whereas, the later approach involves a wide range of stakeholders involved with young people and education, which enables a more comprehensive action. For example, schools have to report absenteeism to a regional centre, which is also in contact with the municipality, social workers, youth care workers, school counsellors, etc. The regional centre is thus in the position to bring together various actors to firstly assess what the reason for the absenteeism is, e.g. problems at home, wrong choice of study (loss of motivation), etc.¹⁷⁶ Secondly, based on the underlying problem resulting in absenteeism, or school drop out, a plan can be drawn up to assist the young person to stay, or go back, in education.¹⁷⁷ Other measures to combat early school drop outs are: dual course education, i.e. learning and working at the same time;¹⁷⁸ School Ex 2.0, which provides targeted funding to support activities which aim to assist young people in obtaining a basic qualification.¹⁷⁹

The national SME (Small and Medium size Enterprises) apprentice initiative of 2007 is another example of a measure combatting early school drop outs.¹⁸⁰ Part of the initiative is the appointment of ‘work-brokers’ whose task it is to match jobs with young people. As liaison between schools and the market, in particular small and medium sized enterprises, ‘work-brokers’ outline to schools what is needed in the market. As such, this initiative also contributes to creating a better connection between the needs of the market and education. Another measure adopted in this area is the establishment of a ‘project department’ within in the Ministry of Education, Culture and Science, which has resulted in the establishment of ‘learn-work kiosks’.¹⁸¹ The ‘kiosks’ link all stakeholders involved with education and the labour market at local level, with the goal to develop activities, arrangements, products and services to improve the connection between education and the labour market.¹⁸²

¹⁷⁵ Second Chamber of Parliament, Voortijdig Schoolverlaten, 1998-1999, 26695, no.2.

¹⁷⁶ Cf. nji.nl/Voortijdig-schoolverlaten-en-verzuim-Beleid-Wet--en-regelgeving

¹⁷⁷ Second Chamber of Parliament, Voortijdig Schoolverlaten, 2016-2017, 26695, no 108 and no. 119.

¹⁷⁸ National Action Programme The Netherlands, submitted as part of the European Employment Strategy, May 2000, p. 12.

¹⁷⁹ Cf. mboraaad.nl/themas/aanpak-jeugdwerkloosheid.

¹⁸⁰ 2007 Progress Report on the Dutch National Reform Programme for 2005 - 2008, submitted in the context of the Lisbon Strategy, p. 59.

¹⁸¹ See for more elaborate information about this at: lerenenwerken.nl/.

¹⁸² *Ibid.*

The SME apprentice initiative is also an example of policies to create a better link between education and the labour market. The improvement of the connection between education and the labour markets is necessary, since there is a significant mismatch between the two,¹⁸³ Regarding the content of the measures two types can be distinguished: measures dealing with the content and quality of education; and measures guiding the choices for studies by young people. The aim of the first type of measures is to better attune the content of the education programmes and specific course to the needs of the labour market. An example of these measures is the action plan “Focus op Vakmanschap 2011-2015”.¹⁸⁴ The aim of the second type of measures is to influence the choice of students towards studies preparing for jobs in demand at the labour market. An example of the latter is Technology Pact 2020.¹⁸⁵

Within the fourth policy area, labour law and social security law, four measures attract particular attention (see figure 6). The first of these is a change in collective dismissal legislation, namely the replacement of the principle of seniority based on last in, first out (LIFO) to determine the order of people to be dismissed, by the principle of reflection by age groups (afspiegelingsregel).¹⁸⁶ The underlying assumption for this change is the following. The seniority principle rewards, in a sense, the loyalty of workers, i.e. the longer a worker is in employment, the higher the seniority will be, and often, the stronger the protection against for example dismissal. Workers with a high seniority are often the elderly; they had time to build long years of employment. Workers with a low seniority are often young people; they just entered the labour market and haven’t had the opportunity yet to build long years of service. Since young workers have in general a low level of seniority, the LIFO-system affects young

¹⁸³ It has always been part of the EES guidelines on EU level, but Dutch studies have also shown that young people often do not base their choice of study topic on the prospect of the study on the labour market. Cf. Research Centre for Education and the Labour Market, *De arbeidsmarkt naar opleiding en beroep tot 2020*, Maastricht: Maastricht University, 2015 (ROA-R-2015/6), p. 51 et seq.

¹⁸⁴ Letter of the Minister of Education, Culture and Science to the Chair of the Second Chamber of Parliament of 16 February 2016 on the action plan mbo “Focus op vakmanschap 2011-2015”.

¹⁸⁵ See for more information: techniekpact.nl/.

¹⁸⁶ Cf. the rules of the UWV (an administrative body responsible to issue dismissal permits in case of collective dismissals): uwv.nl/werkgevers/werknemer-en-ontslag/ik-wil-ontslag-aanvragen/detail/ontslag-via-uwv/ontslagaanvraag-wegens-bedrijfseconomische-redenen/rekening-houden-met-de-ontslagvolgorde-afspiegelingsbeginsel.

workers unevenly more than other workers.¹⁸⁷ Reflection by age compensates for the lack of seniority among young people, since the selection of dismissals is spread over age-groups reflecting the overall composition of personnel based on age. More specifically, based on the principle of reflection by age, the group of workers is firstly divided by function or similar functions, within the function groups the employees are divided by age, which is often as follows: 15-25; 25-35; 35-45; 45-55; 55- retirement.¹⁸⁸ Thirdly, based on the number of workers per age group a percentage of dismissals is assigned to the groups. Thus, for example, if out of 100 workers, 15 workers are between the age of 15-25, than 15% of the dismissals will fall within this age-group. Fourthly, within each age-group the principle of seniority is applied to determine the order of persons to be dismissed. This means that within the age-group 15-25 the seniority principle is applied to determine which persons are to be dismissed up to 15% of the total dismissals.¹⁸⁹ The result is that the number of dismissals is representatively divided over the age groups. Compared to the LIFO-system this means that often less young people are dismissed, and probably more older workers.

The second labour law measure affecting the labour market position of young people was the temporary act to extend the number (from three to four) and duration (from three years to four years) of fixed term contracts for young people up to the age of 27.¹⁹⁰ The measure is adopted in addition to the Youth Investment Act (see section IV.2) and aims to improve the opportunities of young people to find a job or stay longer active on the labour market. The measure has been contested for several reasons, among which that it may enhance the precarious position of young people at the labour market instead of improving it. On the one hand it enhances young people's precariousness, because they will be employed on fixed term contracts for a longer period, which in itself is considered precarious in terms of depriving them from long term job-

¹⁸⁷ Cf. Letter of the Minister of Social Affairs and Employment to the Chair of the Second Chamber of Parliament of 25 May 2004, *Notitie heroverweging van het last-in/first-out beginsel bij bedrijfseconomisch ontslag*, Kamerstukken II, 2003-2004, 29 200 XV, nr. 87. See on this also: A.G. Veldman, *Voorbij het 'lifo-beginsel' bij reorganisatie: wat zijn wenselijke en geoorloofde selectiegronden voor ontslagkeuze en afvloeiingsvoorwaarden?*, in *Arbeid Integraal* 2005, pp. 43-59.

¹⁸⁸ Cf. ontslag.nl/bedrijfseconomisch-ontslag/hoe-werkt-het-afspiegelingsbeginsel/.

¹⁸⁹ *Ibid.*.

¹⁹⁰ *Memorie van Toelichting, Tijdelijke verruiming van de mogelijkheid in artikel 668a van Boek 7 van het Burgerlijk Wetboek om arbeidsovereenkomsten voor bepaalde tijd aan te gaan in verband met het bevorderen van de arbeidsparticipatie van jongeren*, Second Chamber of Parliament, 2008-2009, 32 058, no. 3.

security.¹⁹¹ On the other hand, it improves the situation of young people, since in times of crisis employers may be more willing to hire workers for a fixed-term duration in order to wait and see how their business will develop in such uncertain situations.¹⁹² An extension of the number and duration of fixed-term contracts may result in an additional year of employment, whereas without this opportunity the alternative is more likely to be the termination of employment, since employers are not willing (or able) to risk continuation by a contract of indefinite term.¹⁹³ The measure intended to offer some extra flexibility during the crisis, based on the presumption that once the economy would recover, employers would be willing to convert fixed-term contracts into indefinite term contracts. Therefore, the measure was temporary, for two years initially with an option to prolong it for another two years. However, the evaluation of the measure by the end of the second year showed that the measure was less effective as was presumed and thus it ended *de jure*.¹⁹⁴

The two other measures that attract attention are within social security law. The first is a reduction up to €3000,- in social security payments for employers who assist young people in obtaining a diploma at basic qualification level (MBO2-level).¹⁹⁵ And the second measure aims at young disabled persons. Instead of assessing to what extent they are not fit for the labour market, which was done under the Invalidity Insurance (Young Disabled Persons) Act, the Work Capacity Act and its successor, the Participation Act, assess the (young) worker's capacity for the labour market based on what the person can do.¹⁹⁶

¹⁹¹ Cf. Eurofound, *NEETs. Young People not in Employment, Education or Training: Characteristics, Costs and Policy Responses in Europe*. Luxembourg: Publications Office of the European Union, 2012; and M Sargeant, *Young People and Age Discrimination*, in *E-Journal of International and Comparative Labour Studies*, 2013.

¹⁹² Memorie van Toelichting, *Tijdelijke verruiming van de mogelijkheid in artikel 668a van Boek 7 van het Burgerlijk Wetboek*, cit., p. 3

¹⁹³ *Ibid.*

¹⁹⁴ Letter by the Minister of Social Affairs and Employment to the Chair of the First Chamber of Parliament, on *Tijdelijke verruiming van de mogelijkheid in artikel 668a van Boek 7 van het Burgerlijk Wetboek om arbeidsovereenkomsten voor bepaalde tijd aan te gaan in verband met het bevorderen van de arbeidsparticipatie van jongeren*, First Chamber of Parliament, 2011-2012, 32 058, no. H.

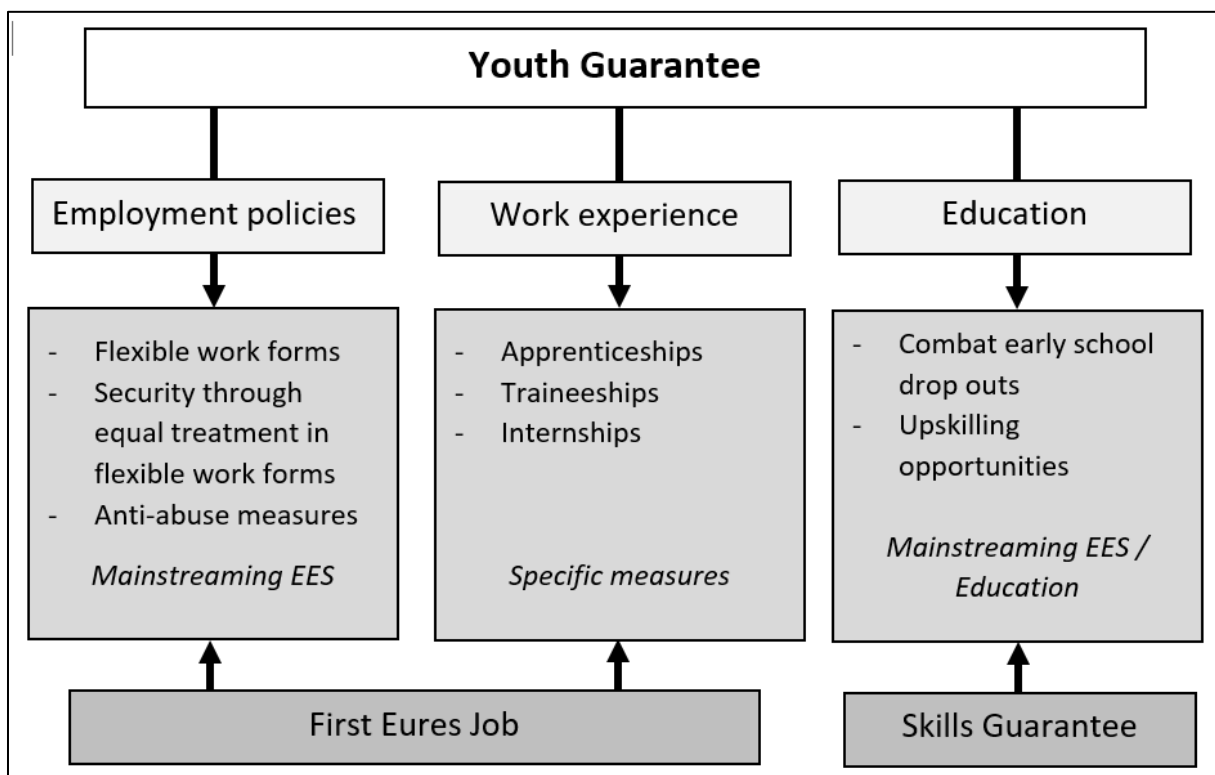
¹⁹⁵ National Reform Programme The Netherlands, submitted as part of the European Employment Strategy, 2006

¹⁹⁶ National Action Programmes The Netherlands, submitted as part of the European Employment Strategy, 2008-2010; 2011 and 2012.

V. Comparative Discourse Analysis of the Youth OMC and Dutch Youth Policies

When comparing the development of EU Youth (unemployment) Policies with Dutch Youth (unemployment) Policies, at the service, both give a similar image in development of levels of youth unemployment, as well as the sort of measures to tackle youth unemployment and how those measures can be related to each other. Although at different moments in time, both the EU (in 2013) and The Netherlands (1992 and 2009), prioritise the development and implementation of measures for young people who are neither in employment, education nor training (NEETs). Central in these policies is the idea of Youth Guarantee. Given the significance of this policy idea, it makes sense to put this at the heart of youth unemployment policies. When this is done, the image shown in Figure 7 can be drawn for the EU as well as The Netherlands.

Figure 7 Image EU and Dutch youth (unemployment) policies



In terms of ideational diffusion, the outcomes of the Dutch Youth (unemployment) Policies are thus rather similar compared with those of the EU's Youth OMC. This indicates that there is some influence between the Youth OMC and the Dutch Youth Policies. However, induced diffusion and learning goes two ways: from the top (EU) to the bottom (The Netherlands) and

vice versa, from the bottom (The Netherlands) to the top (EU). When comparing the actual developments over the course of time, the picture changes.

The early developments of more comprehensive EU Youth Policies, i.e. the 1991 Council Resolution on Priority actions in the youth field and the 2001 White Paper New impetus for European Youth are about empowerment of young people; about participation and active citizenship of young people. The early developments in The Netherlands, i.e. the 1992 Guarantee Youth Employment Act and its successor, the 1998 Deployment Jobseekers (Youth) Act, are about investment in young people by offering them a youth guarantee. The guarantee offered is a rather embryonic version of the one introduced in 2009, nonetheless, the core idea is already there: an offer for employment, education or training in order to facilitate the transition out of a benefit (back) into the labour market. Furthermore, such an offer is made after 12 months only, which implies that it is a measure to combat long-term unemployment especially.

The next moment in time of interest is 2005 when the EU adopts the Youth Pact. The discourse shifts a little from a rather comfortable position of young people in society and the labour market to the recognition of the vulnerability of young people. Concerns are expressed about the employment situation of young people. More particularly, young people need to be equipped through education and training, and solidarity is to be developed between the generations. The shift can be explained by the slight increase in youth unemployment rates, but more likely because it is integrated with the relaunch of the Lisbon Strategy which is about growth, employment and inclusion. Moreover, it gives youth policy a stronger connection with the EES in which youth employment issues are to be mainstreamed.

The same period is the most intensive period of activities for The Netherlands. The attention for youth unemployment is increasing. In 2003 the Taskforce Youth Unemployment is established which task is to create 40.000 jobs for young people by 2007. The Taskforce succeeded in this gloriously and more importantly, it laid out a programme for further policy development to tackle youth unemployment. The main legacy of the Taskforce are probably two things. Firstly, the creation of regionally organised networks concerned with youth issues, in particular for young people in education. Secondly, the idea of preventive measures, in the sense of keeping young people in education so they can obtain a basic qualification which enhances their opportunities on the labour market. Preventive measure include better guidance

and coaching of students, especially in the choice of study, in terms of motivation as well as future job perspectives. This generated a vivid policy activity, especially in the field of education. For example, the G4 Integrated Approach, the National SME Apprentice Initiative, and the establishment of RMCs (i.e. regional registration and coordination centres). This focus on educational measures, fits with the idea of the Youth Pact that young people need to be equipped through education and training.

Some other measures adopted in this period fit with the kind of measures promoted by the Youth Pact, as well as the EES. Although no reference is made to it in the national measures, nor the parliamentary history thereof, they match with the ideas expressed in the Youth Pact and the EES. For example, Operation Young includes the maximalisation of the achievement of a start qualification, which is a form of better equipment through education. Another example is the change of system by which the order of dismissals is to be determined in case of collective dismissals, fits with the idea of more generational friendly policies taking into account the position of young workers and older workers. The temporary extension the number of successive fixed term contracts for young people, fits with the guidelines of the EES which promote the use of more flexible forms of employment.

The Youth Pact is followed by the 2009 Youth Strategy, which brings together all youth policy fields. It also continues the shift from empowerment to investment. Youth unemployment is priority of the Youth Strategy's first policy-cycle. Measures that are promoted include initiatives to increase and improve investments in the provision of suitable skills for jobs in demand on the labour market; to devise flexicurity strategies, and to promote quality internships and apprenticeships. These are all initiatives that have been developed by The Netherlands since 2004. In this period though, the Dutch focus lies with the further development of the youth guarantee by the Youth Investment Act into a work-study right. The work-study right is the right of a young person who is neither in employment, education nor training (NEET) to an offer for employment, education or training upon registration with the municipality. The municipality is obliged to provide such an offer within a period of four months after registration. This right is instead of an entitlement to a social assistance benefit, which is different for people aged above 27, who have an entitlement to a social assistance benefit and only after a period of 12 months a right to an offer for a tailor-made programme to assist them to get into steady employment.

This idea of youth guarantee can indirectly already be found in the first guidelines of the EES in its early years, i.e. 1998, 1999, and 2000. However, these guidelines disappear and the momentum to continue down this path seems to return only in 2013 when the EU introduces Youth Guarantee, as part of the Youth Employment Package. By the emphasis put on the use of funds to support the implementation of Youth Guarantee indicates that it is an investment in young people. Moreover, a special fund is established, the Youth Employment Initiative. Youth Guarantee is strongly supported by initiatives generating opportunities for work experience, for example the quality frameworks for internships and apprenticeships. The underlying aim of these measures is to ease the transition from education into the labour market.

In the Netherlands not much attention is paid to the idea of youth guarantee, on the contrary, the Youth Investment Act is terminated in 2011 and the work-study right is integrated in the general Work and Social Assistance Act. The right remains unchanged though. Instead, the policy focus in this period lies with the further development of measures to combat school drop outs. In particular the programme to prevent absenteeism is aimed to identify potential school drop outs in an early stage in order to prevent a complete drop out. The in 2007 established RMCs play a crucial role in this. Furthermore, the target group of these measures is more focused, i.e. “troubled young people”. In general these are young people who are disadvantaged for several reasons. For example, because they grew up in poverty or in poor neighbourhoods, or because they are of an ethnic minority, etc. Considerable funds have been made available to support these initiatives.

Thus while the outcome of the youth (unemployment) policies are similar in ideas and goals, the development of these policies do not follow a similar path in time. In general it seems that the developments in The Netherlands run ahead of those at EU level. At least, the Dutch approach has been one of investment since the 1990s, whereas the EU approach developed from mainly empowerment to mainly investment. Given the relatively low unemployment rates of The Netherlands compared to the EU average, it is tempting to argue that instead policy diffusion from EU level to the Dutch level (thus top down), it seems more likely that in the case of the Netherlands there is a situation of policy diffusion from the bottom up, thus from The Netherlands up to the EU. However, proof of this cannot be found, moreover, an overview of good

practices collected during a peer-learning conference merely one good practice of The Netherlands is included.¹⁹⁷

VI. Conclusions

What this study illustrates about the Youth OMC is that the Youth OMC as governance mechanism is mainly about the coordination of governance. The Youth OMC created a regulatory regime that brings together all EU initiatives dealing with youth. Within this general regulatory regime the OMC identifies and sets policy goals and priorities. Furthermore, it determines which of these need to be mainstreamed in other, existing policy regimes, in particularly the EES and Education OMC. Additionally, it develops its own youth employment programme, for example the 2005 Youth Pact, the 2012 Youth Employment Package and the 2016 programme Investing in Europe's Youth. These programmes coordinate various initiatives, among which Youth Guarantee, the Youth Employment Initiative, the Quality Frameworks for Traineeships and Apprenticeships, etc.

Although there are disadvantages for the OMC to mainstream its policies into other programmes, it leaves for example the further interpretation and development of the policy up to other institutions and actors, it appears to have been particularly beneficial for the Youth OMC. Not necessarily in terms of making the Youth OMC more visible, but definitely in making its goals and initiatives more tangible. In particular, since Europe 2020 and the European Semester, which connected to the Youth OMC via the Flagship Initiative Youth on the Move.

The dramatically high levels of youth unemployment during the years of crisis (and still continuing in some countries) can be seen as an explanation why the Youth OMC underwent its most significant development in a period, i.e. 2009 – 2012, in which most OMCs lost their momentum. For example, in this period the OMC on Social Inclusion was transformed into a platform with the adoption of Europe 2020 in 2010 and with merely a poverty target left in the Employment Strategy it has become completely invisible. The urge to do something for young people was (and still is) pressing and with the limited competence for the EU to act, the OMC seems to be the best option to support Member States in this field.

¹⁹⁷ Cf. Commission Conclusions on the Conference *Good Practice in the Youth Field. Encouraging the Participation of Young People with Fewer Opportunities*, held on 3-4 March 2008.

To determine to what extent the Youth OMC has been of influence on the Member States requires further research. In the case of The Netherlands a mixed picture emerged. On the one hand the measures and initiatives of the Dutch policies fit with the ideas and goals of the Youth OMC. On the other hand, these developments are not in face in terms of time, indeed, often The Netherlands seems to run ahead of the EU. This seems to be more an indication of bottom up discursive diffusion, rather than top down. Although this is part of it, the OMC involves both, top-down governance mechanisms and bottom-up mechanisms, and typical for the EU, after all the EU is what the Member States want it to be, it is of little help when studying the influence of the OMC on the Member States (top-down). If already any influence, this is probably mostly from the Youth Pact. This is the only period in which the policy ideas of the EU and The Netherlands are more or less synchronous. Influence may also be found in the use of the term NEETs, young people who are neither in employment, education, nor training. It resonances in the policies of the EU as well as The Netherlands. Lastly, from a very optimistic point of view it could be argued that at least some influence between the Youth OMC and the Dutch youth policies is going on given the fact that the policy mix dealing with the NEETs needs show a remarkable resemblance.